IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6036 of 2018

Arising Out of PS.Case No. -149 Year- 2016 Thana -BAHERI District- DARBHANGA

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Raj Chandra Sah @ Raj Chandra Sahu, S/o Late Banarashi Sah, R/o Village- Shivram, P.S.- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-02-2018 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is in custody since 15.11.2017 in connection with Baheri P.S. Case No.149 of 2016 registered for the offence under Sections 420, 275, 276 of the Indian Penal Code and Sections 27(b)(ii), 28-B, 27(d), 22(3), 28/36(AC) of the Drugs and Cosmetic Act, 1940.

Learned counsel for the petitioner submits that though the petitioner was not named in the F.I.R. at the initial stage, subsequently, his name has figured as an alias name and for the said purpose, he is facing prosecution. Learned counsel for the petitioner further submits that whatever may be the nature of allegations, the petitioner has already been in custody

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for three months past and he has no criminal history. He further submits that though Sections 275 and 276 of the I.P.C. have been levelled as allegations against the petitioner, the same is not applicable nor are the provisions of Section 420 I.P.C. applicable in the present case, as it has not been alleged that he was selling spurious drugs and there is no element of cheating and dishonesty.

Considering the aforementioned facts and circumstances of the case and that the petitioner has already undergone prosecution for three months, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VI, Darbhanga, in connection with Baheri P.S. Case No.149 of 2016.

(Anjana Mishra, J)

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