

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62401 of 2017

Arising Out of PS.Case No. -72 Year- 2017 Thana -BAHADURPUR District- PATNA

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Sarjug Sahni S/o Bambam Sahni, R/o Sandalpur Akhara, P.S.- Bchadurpur,
District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shatrughan Pandey, Advocate.

For the Opposite Party : Mr. Zainul Abedin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 274, 275, 276, 419, 420,
467, 468, 120(B) of the IPC, 27(a), 27(c), 27(b)(ii), 28, 28(a), 30
of Drugs and Cosmetics Amendment Act, 2008, 7 of Drugs and
Magic(OBJ OBD) Act, 1954 and Section 7(i)(ii) of the E.C. Act,
1955.

The prosecution story, in brief, is that as direction of
Assistant Drug Controller, the informant alongwith others raided
the house/shop of co-accused Sanjay Chaudhary, Ravi Shankar
Kumar, Amit Kumar, Raghunandan Kumar, Ramesh Kumar
Pathak and other persons Golden Ji, Pradeep Ji on 21.04.2017 at



9.30 A.M. and recovered huge quantity of drug of different companies, physician sample, expired date medicines etc. and the persons named above were involved in re-sampling, re-labeling and repacking expired date drug and medicines and further the same were sent in the market for business purpose but accused persons had no license for sale, manufacturing, re-labeling and re-sampling etc. of medicines. It has further been alleged that the said drugs and medicines are injuries to human health.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that huge quantity of expired drugs/medicines were recovered from premises of the petitioner. The name of the petitioner has come on the basis of recovery of expired medicines from half constructed house of the petitioner. The petitioner has got no concern with the alleged recovered medicines. The present prosecution has been instituted with misconceived facts. The recovered medicines have not been sent for F.S.L. examination for verifying whether the seized/recovered medicines are expired or not. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing



incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Patna City, Patna, in connection with Bahadurpur P.S. Case No. 72 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

