

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58404 of 2018

Arising Out of PS. Case No.-857 Year-2017 Thana- BHAGALPUR KOTWALI (Jogsar)
District- Bhagalpur

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Ujjawal Kumar @ Ujjawal Kumar Choudhary, S/o Arbind Choudhary,
Resident of Bhamgama, P.S.- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-12-2018

Heard learned counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection
with Kotwali (Jogsar) P.S. Case No. 857 of 2017 dated
23.11.2017 instituted under Sections 419/420 of the Indian
Penal Code and Sections 18(c), 18, 18 (A), 36AC) of the Drugs
and Cosmetic Act, 1940 and 1945.

3. The allegation against the petitioner is that he
was illegally running a medicine shop in Ashirwad Nursing
Home in the city of Bhagalpur.

4. Learned counsel for the petitioner submitted that
this is a clear cut case of how the authorities involve and



implicate innocent persons. It was submitted that the statement on which the petitioner has been made accused is that of the owner of Ashirwad Nursing Home, namely Dr. Alok Kumar Singh where he admits that the shop is running without license and the owner of the shop is the petitioner. Learned counsel submitted that the owner of the private clinic stating that though he is aware of there being no license and yet permitting the petitioner to run his drug shop, is totally unbelievable and further, the owner cannot shirk his responsibility as he is the person who, for the sake of argument, has given part of his premises to the petitioner to run the shop, if it is so believed, and is fully aware that the same is being run without any license. Learned counsel submitted that the petitioner having no criminal antecedent is a simple employee of the Nursing Home and in order to save his own skin, the owner has implicated the petitioner without any basis. It was further submitted that neither any agreement nor any evidence with regard to the petitioner being allowed to run the medicine shop was either produced or recovered by the police. It was submitted that, for obvious reasons, the owner of the nursing home has not been made an accused.

5. Learned A.P.P. was not in a position to controvert



the submissions of learned counsel for the petitioner, especially on facts.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Kotwali (Jogsar) P.S. Case No. 857 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Anjani/-

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