

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48909 of 2019

Arising Out of PS. Case No.-522 Year-2018 Thana- JAKKANPUR District- Patna

UJWAL KUMAR Son of Rupchandra Sah Resident of Mohalla- Khurda,
Ward No.11, Israin, P.S.- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-10-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Jakkanpur Police Station Case No. 522 of 2018, disclosing offences under Sections 273/274/275/276/420/414/120B of the Indian Penal Code and Sections 27 (d), 28, 28-A, 36 (A.C.) of the Drugs and Cosmetics Act, 1940 and Amendment Act, 2008.

The prosecution story, as per the First Information Report, is that the Drug Inspector, Patna recovered 59 cartons of medicines, which were lying abandoned in Mithapur Bus Stand. It has further been alleged that upon enquiry, it was found that 29 cartons were having proper invoices and so far as rest 30 cartons are concerned, 26 cartons were found to be addressed to



Jayant Medical Agency, Madhepura, one carton was addressed to New Ambey Medical Agency, Main Road, Kumar Khand, Madhepura, one carton was found to be addressed in the name of Ranjeet, Murliganj and two cartons were found to be addressed in the name of one Bolbum, Kumar Khand. The petitioner is the proprietor of New Ambey Medical Agency, Main Road, Kumar Khand, Madhepura.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case inasmuch as the consignment of medicines was being transported to different medical agencies by the transporter and for that purpose, the cartons, containing medicines, were kept near the bus stand and in the mean while, the police seized the entire consignment of medicines. He further submits that out of the four cartons of New Ambey Medical Agency, Main Road, Kumar Khand, Madhepura, three cartons were having the invoices inside it and one invoice is with the petitioner, which has been annexed in the supplementary affidavit, as Annexure-1A.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the consignment of medicines was addressed to the firm of the



petitioner, of which the petitioner has annexed the invoice, dated 24.10.2018, i.e. prior to the institution of the present case, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Ujwal Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Jakkanpur Police Station Case No. 522 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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