

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15831 of 2020**

Arising Out of PS. Case No.-20 Year-2020 Thana- JAYNAGAR District- Madhubani

SHARWAN MAHTO @ SHARWAN KUMAR MAHTO, aged about 49 years, Gender-Male, Son of Satya Narayan Mahto Resident of Village - Jainagar, Ward No.1, P.S.- Jainagar, Distt.- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. N. K. Agarwal, Sr. Advocate and Mr. Sanjeet Kumar, A.P.P.

For the Opposite Party : Mr. Ram Naresh Ray, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 15-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

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

The petitioner is apprehending his arrest in a case for the offences registered under Sections 420 of the I.P.C., and 18(C) read with 27(B)(ii), 18(A) read with Sections 28, 18(A) (v) read with 27(d) of the Drugs and Cosmetics Act.

The prosecution case, in short, is that the informant and other officials, during inspection, found a rough estimate of purchase of the drugs in the shop of the petitioner but the source



of these drugs could not be traced which is also violation of provisions of Drugs and Cosmetics Act.

It has been submitted on behalf of 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 the petitioner was running a shop in which he was selling *Allopathic* medicines without license. The said shop is said to have been situated in front of a *Hospital*. It has been submitted that procedure of search and seizure has not been followed in the present case. It is further submitted that the petitioner is ready to deposit an amount of Rs. 30,000/- (Rupees Thirty Thousand Only) in the learned court below which shall be subject to final result of the case.

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

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to deposit an amount of Rs. 30,000/- (Rupees Thirty Thousand Only) in the learned court below which shall be subject to final result of the case. On doing so, let the petitioner, above named, in the event of arrest or surrender before the



learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned District and Sessions Judge, Madhubani, in connection with Jainagar P.S. Case No. 20 of 2020 (G.R. No. 3 of 2020), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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