

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28409 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- JOGBANI District- Araria

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Gaur Ghosh, Son of Late Ganesh Ghosh, Resident of Village- Tikulia Basti,
Ward No.09, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-12-2020 Heard learned counsel for the parties through Video Conferencing.

Petitioner seeks bail in a case registered for the offence punishable under Section 414 of Indian Penal Code and 27(B)(ii), 28R/W 36 of Drugs and Cosmetic Act.

As per the prosecution case, on a secret information that certain prohibited medicines have been stored in the house of Roki Kumar, a raid was conducted in which this petitioner was arrested while fleeing along with a bag full of some prohibited medicines, empty syringes, Diazepam injections, Lupigesic injections and Phenergan injections.

It is submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. Mandatory provisions with regard to search and seizure has not been complied with. Petitioner is in custody since 09.01.2020 and charge-sheet



has already been submitted. Petitioner has got clean antecedent as stated in paragraph no.3 of the petition.

However, learned A.P.P. for State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Jogbani Police Station Case No. 06 of 2020, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Ankit/-

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