

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81420 of 2019

Arising Out of PS. Case No.-372 Year-2019 Thana- SITAMARHI District- Sitamarhi

MUKESH KUMAR, Son of Late Nagendra Mahto Resident of Village -
Koriyahi, Ward No. 08, P.S. and District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate.

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offence punishable under Section 420 of the Indian Penal Code read with Sections 18A, 18C, 28 and 27(b)(ii) of the Drugs and Cosmetics Act, 1940.

According to F.I.R., some drugs were found from the godown and allegation is that petitioner was proprietor of that godown and drugs were kept there without any license.

Learned counsel for the petitioner submits that the petitioner is cleaner in the medical clinic of Dr. Sajid Hussain, which would be evident from the certificate issued by Dr. Sajid Hussain and his wife at Annexure-2. Moreover, the F.I.R. (police case) of the offence is itself barred under the provisions of Drugs and Cosmetics Act, 1940 as held by two Division



Benches of this Court including some other Courts.

Considering the entire facts, especially completion of investigation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sitamarhi P.S. Case No. 372 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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