

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16310 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- SINGHESHWAR District- Madhepura

1. BIMAL KUMAR VERMA, S/o Lalu Prasad Verma, Resident of Azad Nagar Ward No. 09, Near Chaiti Durga Asthan, Azad Nagar, P.S.- Madhepura, District- Madhepura
 2. RUPESH KUMAR, S/O SHIVSHANKAR SAHAY, Resident of Near Abhyas Madhya Vidyalay, Ward No. 12, Azad Nagar, P.S.- Madhepura, District- Madhepura
- ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	Mr. P.K. Shahi, Sr. Adv. with Ms Preety Kunwar, Adv.
For the Opposite Party	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-07-2021 As prayed for, through video conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 25.02.2021, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioners seek pre-arrest bail in connection with Singheshwar P.S. Case No. 228 of 2020, registered under Sections 8(c), 21(c), 23, 24, 25, 27(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty the informant and other police personnel received information that



in village Rampatti, near the house of Tarun Singh, Codin containing intoxicant material is being loaded on a container truck, bearing registration no. HR-55W-9959, and a Tata Magic, then, informant proceeded there and saw a container truck and a Tata Magic, near the house of Tarun Singh. The loaded cartons of container were being shifted from the truck in the Tata Magic vehicle by Tarun Singh, Bimal Kumar Verma (petitioner no. 1), Mukesh Singh, Rupesh Kumar (petitioner no. 2), Suman Das and associates. On seeing the police party, all started to flee away while they were chased, one was apprehended and other succeeded to flee away. The caught hold person disclosed his name Suryamani Pandey, son of late Lalda Pandey, resident of Naunkhurd, P.S. Hunmana, district Riwa, Madhya Pradesh, and he also disclosed that he is the driver of the container truck. In the meantime, Circle Officer, Singheshwar, also reached and in presence of witnesses search was made. In that course bill bearing no. GR21666530 in the name of M/S S. Pharma, Madhepura, issued by M/S Om Logistics Limited and another bill bearing no. GR21666529 in the name of Bimal Medical Agency, Madhepura, recovered. On search, 275 cartons, each containing 100 pieces Codin liquid recovered and from Tata Magic 7 cartons, each containing 100 pieces Codin recovered.



Learned counsel appearing on behalf of both the petitioners submits that both the petitioners are proprietor of M/s Bimal Medical Agency, Madhepura, and M/s S Pharma, Madhepura, holding drug licence and both have falsely been implicated in this case under the different sections of the Narcotic Drugs and Psychotropic Substances Act and Bihar Excise Act. Further, submission is that in the judgment, dated 12th April, 2021, passed by a Larger Bench in Cr.W.J.C. No. 887 of 2013, the seized materials will come under the purview of Drugs and Cosmetics Act, regarding which only complaint will lie. Further, submission is that co-accused, Reeta Barnwal, who is supplier has already been allowed privilege of pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 14892 of 2021 on 21.06.2021. Both the petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of arrest/surrender, within a period of four weeks from today, in connection with Singheshwar P.S. Case No. 228 of 2020 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the District & Sessions Judge,



Madhepura, or the successor Court subject to the conditions as
laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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