

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40473 of 2021

Arising Out of PS. Case No.-265 Year-2021 Thana- GANDHIMAIDAN District- Patna

DR. ASFAQUE AHMAD Son of Md. Mustaque Ahmad Resident of Village- Parsahiyan, P.S.- Dhaka, District- East Champaran, Motihari, at present Flat No.207, Saket Nagar, S.P. Verma Road, P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-08-2021 Heard learned counsel for the petitioner and learned APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 420, 188, 120B of the Indian Penal Code, Section 52 & 53 of the Disaster Management Act, Section 3 of the Epidemic Disease Act, Section 7 of the E.C. Act and Section 28 of the Drug and Cosmetic Act.

Acting on a tip-off, when the informant along with



the police force and the personnel of Economic Office Unit raided on the gate of Biscoman gate to control the black marketing of Remdesivir Injection, Md. Altaf Ahmad was apprehended in course of selling two vials of Remdesivir injection-100 ml in Rs.50,000/-. On interrogation, he disclosed that his brother, the petitioner has made available of five vials of the aforesaid injection but he failed to produce any document in this regard. It is alleged that the petitioner has confessed that the medicine was supplied by him to co-accused Raju Kumar.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case on the confessional statement of co-accused Md. Altaf Ahamd. He was not apprehended on the spot. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring his confessional statement which has no evidentiary value in the eye of law. The petitioner is a reputed doctor practicing in his own clinic situated at S.P. Verma Road, Patna and having no concern with the co-accused persons who are said to be indulged in black marketing of medicine. It is further submitted that during pendency of the



present case, wife of the petitioner, namely, Shaheda Parween has fallen ill and her treatment was undergone in Rajeshwar Hospital, Patna and fully diagnosis and test, she was found acute falmiraty, hepatic. Thereafter, she was treated in Patna Medical College Hospital, Patna and after treatment she was referred to AIIMS, New Delhi for further treatment. There is no male member in the family to look after the petitioner's wife. The petitioner has no criminal antecedent and has been languishing in custody since 07.05.2021.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Gandhi Maidan P.S. Case No.265 of 2021.

(Anjani Kumar Sharan, J.)

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