

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30301 of 2020

Arising Out of PS. Case No.-172 Year-2019 Thana- KALUAHI District- Madhubani

MD. ALI SALAM S/o Md. Shamsheer Nadaf @ Shamsheer Miya Resident of
Village and Post-Rampur, P.S.-Harlakhi, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-01-2021 Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 18(c), 27(B)(ii), 18(A), 28 of Drugs & Cosmetics Act, 1940.

The prosecution case, in brief, is that in the light of oral instruction of the Civil Surgeon, Madhubani and also in the light of the letter No. 1192 dated 27-11-2019 of Assistant Drugs Controller, a team comprising the informant and others such as other Drug Inspectors, ASI of Kaluahi P.S. and deputed Magistrate-cum-circle officer, Kaluahi at about 12.50 p.m.



raided and inspected the separate shops of the accused persons including the petitioner's shop situated in front of Primary Health Centre, Kaluahi and it was found that one Santosh Kumar was present on the shop who did not produce the licence and stated that this shop was being run by Md. Ali Salam who is the accused petitioner. The medicines were seized because of violation of law by not producing the licence and not disclosing its source. So, huge quantity of illegal medicines were also seized from shop of the petitioner.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner has been made accused in the present case due to mistake of fact. The shop, in question, does not belong to the petitioner. He had gone to purchase medicines from the shop, in question. It is further submitted that the petitioner is ready to deposit an amount of Rs. 25,000/- which shall be subject to final outcome of the case.

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

Considering the aforesaid facts and circumstances, the



petitioner is directed to deposit an amount of Rs. 25,000/- which shall be subject to final outcome of the case. On doing so, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Madhubani in connection with Harlakhi P.S. Case No. 172 of 2019, G.R. (NDPS) No. 30 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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