

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40526 of 2020

Arising Out of PS. Case No.-459 Year-2020 Thana- PHULWARISHARIF District- Patna

PURUSHOTTAM KUMAR Son of Sri Akhileshwar Singh Resident of Anil Kumar Basant Lassi, Mahavir Mandir Lane, Ashok Rajpath, P.S.- Pirbahore, District- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : **Mr.Ashok Kumar**

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-02-2021 Heard the learned counsel for the petitioner and
Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Phulwarisharif PS case no. 459 of 2020 instituted for the offences punishable under Sections 420, 120(B) of Indian Penal Code, 27(b)(ii), 28, 28A of Drugs and Cosmetic Act, 1940.

The allegation is regarding the petitioner being engaged in running illegal medical shop and when a raid was conducted and the licence was demanded by the informant from the petitioner, he had produced a forged licence, which had not been issued by the Drug Controller, Rural Area, Patna.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 26.08.2020. The learned counsel for the petitioner has



further submitted that the petitioner himself is a victim, inasmuch the licence in question was granted to the medical shop of the petitioner by *Bhartiya Jan Aushdhi Pariyojna*, issued by a Rural Development Organisation (N.G.O.) by realizing huge sums of money from him and as such, the petitioner was running his medical shop under the impression that he was having a valid licence.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein and the fact that he is having a clean antecedent, I deem it fit and proper to enlarge the abovenamed petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IXth, Patna in connection with Phulwarisharif PS case no. 459 of 2020.

(Mohit Kumar Shah, J)

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