

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- PIRBAHOR District- Patna

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Jawaid Ali Son of Haji Abdul Subhan Resident of Pakki Goraiya,
Mogalpura, Mahavir Asthan, Patna City, Police Station - Khajekala, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-11-2021 Heard Shri Rajesh Kumar Singh, learned counsel for

the petitioner and Smt. Renu Kumari, learned A.P.P. for the

State.

The petitioner is seeking anticipatory bail in
connection with Pirbahore P.S. Case No. 201 of 2020 instituted
for the offences under Sections 267, 268 and 420 of the Indian
Penal Code read with Sections 7 of Essential Commodities Act
and Sections 18A, 18B, 18(a)(vi), 28, 28A, 27(d) and 36AC of
Drugs and Cosmetics Act.

Learned counsel for the petitioner, at the outset,
submits that the petitioner is a businessman, he runs a medical
store and is a person with clean antecedent. He further submits
that from bare perusal of the allegation as alleged in the F.I.R. it



would manifest that the informant has alleged that a raid was conducted on 05.05.2020 on 1.15 pm in the petitioner's shop when the son of the petitioner, Saif Ali was present and during the raid 205 pieces of used N95 mask were recovered which were kept for sale in the shop along with antiseptic and sanitizer not for sale were found, the MRP was printed higher than notified by government. Further allegation is that no document regarding purchase and sale of aforesaid article were produced on demand, accordingly the articles were seized.

Learned counsel for the petitioner further submits that petitioner is a businessman and is running his medical shop. From bare perusal of the allegation it would manifest that the petitioner was not present at the shop rather his son was there who was not knowing the business properly and as such was not able to satisfy the informant. He further submits that the petitioner has all the relevant document relating to the articles seized.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case in its totality, and that the petitioner is a businessman and the allegations for the present are in realm of allegation only, the



petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna in connection with Pirbahore P.S. Case No. 201 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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