

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8141 of 2021**

Arising Out of PS. Case No.-259 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

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Akhilesh Kumar Son Of Ram Bilash Singh Resident Of Village- Bhag Pareag,
P.S.- K. Nagar (SRI Nagar), District- Purnea.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 01-12-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with K. Nagar (Sri Nagar) P. S. Case No. 259
of 2020 registered for the offences punishable under Sections
273, 274, 275 of the Indian Penal Code and Sections 27(b)(ii),
28 and 27(D) of Drugs and Cosmetics Act, 1940.

The allegation against the petitioner is that his licence
to run the medical shop had expired on 31.08.2019 but he
continued to run the shop without getting his licence renewed
and this was noticed by the Assistant Drug Controller, Purnea in



course of a raid conducted in the shop premises of the petitioner on 27.08.2020.

Learned counsel for the petitioner submits that the bona fide of the petitioner may be judged from the fact that in course of raid, no spurious or adulterated drug could be found by the Assistant Drug Controller. It is submitted that during July-August 2019, his mother was seriously ill and he was getting her treated at higher centre, therefore, he remained outside Purnea for some time and after his return, when he approached the Drug Controller, Purnea for renewal of licence, due to ongoing pandemic situation in the country, he was not entertained and had been asked to come after some time.

It is submitted that the mistake was bona fide and he is ready to pay the fine with renewal fee.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but considering the nature of the allegations and the fact that there is no allegation of recovery of any spurious or adulterated drug from the shop premises of the petitioner and that the raid was conducted during the pandemic days and some explanations have been furnished by the petitioner for the delay on his part in getting the licence renewed, this Court is inclined to grant pre-arrest bail to



the petitioner.

Let the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K.Nagar (Sri Nagar) P.S. Case No. 259 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

