

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12805 of 2022

Arising Out of PS. Case No.-60 Year-2019 Thana- GAUTAMBUDHNAGAR District- Siwan

=====

Asgar Ali @ Mastan Baba, Son of Late Mohammad Ali, Resident of Village-
Rauja Gour, P.S.- G.B.Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with G.B. Nagar P.S. Case No. 60 of 2019, registered for the alleged offences under Sections 353, 34 of the Indian Penal Code and Sections 18 (c), 27 (b) (ii), 27 (d) of the Drugs and Cosmetics Act.

As per the prosecution case, the petitioner used to treat patients without any registered degree and on raid being made on his abode, huge quantity of different type of medicines, some of them expired, were recovered. A few persons were also



found from that place, who were tied with iron chain. Some firearms and large quantity of cash were also recovered from the said place. The petitioner is also alleged to be treating patients through paranormal activities by removing so called spirits.

Learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. For the same occurrence, two cases have been registered and the petitioner was arrested in G.B. Nagar P.S. Case No. 61 of 2019 and from that case, he has been remanded in the present case. The petitioner is a 'Fakir' and during the raid, search and seizure, he was not present at the said place. There is no allegation against this petitioner under Section 353 of the Indian Penal Code. The charge sheet has been submitted in this case and the petitioner is in custody since 03.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioner has been doing illegal activities and was treating the patients without any registered degree.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the submission of charge sheet along with the period of custody of the petitioner, he is directed to be released



on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan, in connection with G.B. Nagar P.S. Case No. 60 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit in this case.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

