

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18276 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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PRAMOD KUMAR S/o Dindayal Mehta R/o village- Barem, P.S.-
Navinagar, District- Aurangabad, Bihar. And owner of M/S Magadh Medical
Store

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Adv

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects
within stipulated period, office will place the matter before the
Bench.

The petitioner apprehends his arrest in a case registered
for the offence punishable under section 27 (b) (ii) of Drugs
and Cosmetics Act.

Allegedly, the inspector of Drugs had inspected the
medical shop of the petitioner. In the course of inspection, it
was found that certain drugs were not stored without a valid



drug license and the same were seized and on the same basis the present case has been lodged.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The petitioner is selling drugs only for which he has permission to sell. The inspecting party forcefully took signature of the petitioner on a blank paper and later on the present case has been filed on a forged and fabricated ground. The inspection of the shop was made on 16.04.2021 and the present case has been lodged on 17.11.2021 i.e. after a delay of more than 7 months and no plausible explanation has been given for the said delay which creates a serious doubt about the prosecution case. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is a delay in filing the present case, let the above named petitioner be released on bail, in the event of his arrest



or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in G.O Case No. 29 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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