

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41366 of 2021**

Arising Out of PS. Case No.-110 Year-2021 Thana- UJIYARPUR District- Samastipur

MANJAY KUMAR Son of Krishandev Mahto Resident of Village-
Pachpaika, P.S.- Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

6 24-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Ujiyarpur P.S. Case No. 110 of 2021 for the offence punishable
under Section 420 of the Indian Penal Code and Sections 18(c),
18(a)(vi), 27(b)(ii), 28 and 28A of the Drugs and Cosmetics Act.

The prosecution case, in brief, is that the petitioner
who was operating a medicine shop without valid license was
raided on 15.04.2021 and 55 types of medicines were recovered
and seized.

Learned counsel appearing on behalf of the petitioner



submits that all the medicines which have been recovered from the shop of the petitioner are necessary medicines for treatment of Covid patients and the petitioner being the responsible citizen was in possession of the medicines which are required in case of emergency due to outbreak of Corona in the locality. Learned counsel fairly submits that such statement has not been made in the bail application, however the same was the requirement of the time. Before the present F.I.R., petitioner has never been made accused with respect to sale of medicines without license. He admits that petitioner is not having any valid license. For the said reason, he has already been penalized and he is in custody since 15.04.2021.

Learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner.

Considering nature of allegation as well as period of custody already undergone by the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail 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 Additional District and Sessions Judge-I cum Special Judge, SC/ST Act, Samastipur in connection with Ujiyarpur P.S. Case No. 110 of



2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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