

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46125 of 2021**

Arising Out of PS. Case No.-56 Year-2021 Thana- PUNAURA District- Sitamarhi

RAM PRAKASH SAH Son of Nageshwar Sah Resident of Village - Marar,
P.S.- Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 25-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Narsingh Tanti, the learned APP for the State.

The petitioner seeks regular bail in connection with Punaura PS case no. 56 of 2021 instituted for the offences punishable under Sections 188, 274 of Indian Penal Code and 27(B)(II) and 28 of Drugs and Cosmetics Act.

The allegation is regarding recovery of 23 pieces of Tazowin- 1 mg. injection from the petitioner who is stated to be the owner of New Like Medical Shop.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 06.04.2021. The learned counsel for the petitioner has further submitted that the petitioner runs a legal and licensed medical shop, in which, various kinds of drugs and medicines are kept, hence he has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner has admittedly been implicated under the provisions of the Drugs and Cosmetics Act, 1940 and not that of the Narcotics Drugs and Psychotropic Substances Act, 1985, apart from the fact that he is having a licensed medical shop which is running since a long time and he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the



satisfaction of learned court of 1st Additional Sessions Judge-
cum-Special Judge, Drugs & Cosmetics Act, Sitamarhi in
connection with Punaura PS case no. 56 of 2021.

(Mohit Kumar Shah, J)

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