

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46916 of 2021**

Arising Out of PS. Case No.-458 Year-2021 Thana- KANKARBAG District- Patna

BHASKAR PATHAK @ JAI KUMAR PATHAK S/O ASHUTOSH KUMAR
PATHAK R/o village- Rataitha, P.S.- Haveli Kharagpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

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

3 21-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 08.05.2021, seeks
regular bail in connection with Special Case No. 09 of 2021
arising out of Kankarbagh P.S. Case No. 458 of 2021 registered
for offences punishable under Sections 420, 188, 120B of the
Indian Penal Code, Section 52(b) of the Disaster Management
Act, 2005, Section 3 of the Epidemic Diseases Act, 1897,
Section 7 of the Essential Commodities Act and Sections 28/36
of the Drugs and Cosmetics Act, 1940.

Prosecution case, in brief, is that on secret information



that some miscreants are illegally selling life saving Remdesivir injection on exorbitant price a raid was conducted and this petitioner along with two other accused persons was apprehended and from them Rs. 1,20,000/- cash has been recovered.

Learned counsel on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. No incriminating article or medicine has been recovered from the conscious possession of the petitioner and only on suspicion petitioner has been made accused in this case. Petitioner has clean antecedent and he is in custody since 08.05.2021. He further submits that two other co-accused persons have already been enlarged on bail.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case and the period of custody of the petitioner, the petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Patna in connection with Special Case No. 09 of 2021 arising out of Kankarbagh P.S. Case No. 458 of 2021 subject to the following conditions:



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

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

(iii) 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.

(Purnendu Singh, J)

Niraj/-

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

