

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51102 of 2021

Arising Out of PS. Case No.-187 Year-2021 Thana- SHASTRINAGAR District- Patna

ABUL WAFA, S/o MD. LAL BABU R/o KHANPUR, P.S-HATAUDI,
DISTRICT-MUZAFFARPUR AND AT PRESENT MD. RAZA HOUSE,
SHAKUR COLONY, P.S-SHASTRI NAGAR, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2022 Heard the learned senior counsel for the petitioner
and the learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Shastri
Nagar P.S. Case No. 187 of 2021, instituted for the offences
under Sections 417, 418, 419, 420 and 120 (B) of the Indian
Penal Code and Section 7 of Essential Commodities Act and
Section 3 of Epidemic Disease Act, 1897 and Section 27(bii)
Drugs & Cosmetics Act, 2008.

The learned senior counsel for the petitioner submits
that the petitioner is in custody since 14.05.2021, charge-sheet
has been submitted and has criminal antecedent of four cases.

The learned senior counsel for the petitioner further
submits that the informant, who is a Special Executive



Magistrate of Economic Offences wing alleges that he got information about black marketing of Oxygen cylinder by some persons and also got a mobile number and it was informed that the petitioner was indulging in black-marketing of oxygen, further, the petitioner was telephonically contacted and he agreed readily to supply Jambo Oxygen cylinder with kit for Rs. 45,000/- from his house at Shakur colony, accordingly, it is alleged that the petitioner provided full cylinder of D-type and when he was asked to produce document relating to Oxygen cylinder, he was not able to produce any chit of paper and disclosed that he got the oxygen cylinder from Dhupendra, who was also apprehended as he also got ready to supply oxygen cylinder when contacted telephonically.

The learned senior counsel vehemently argues in favour of the petitioner and submits that in hospital people who were admitted, they died and it was people like the petitioner who saved life of persons who were suffering from Covid though they might have sold the oxygen cylinder at a little higher rate. The learned senior counsel further submits that the petitioner has been falsely implicated in the present case and he had purchased that cylinder for his personal use.

Learned A.P.P. vehemently opposes the bail



application and submits that the petitioner who is technician was under a duty to save life of a patient but instead of being true to his profession, he brought disrepute to the profession as he was making hay when life of innocent people was at stake for want of oxygen during the pandemic, the act of the petitioner is not condonable rather is beastly, one cannot forget how people were dying on road for want of oxygen which despite being in plenty provided by the nature was made scarce when it was required artificially for saving life of helpless human beings by accused persons like petitioner.

Learned APP further submits that this petitioner seems to be a habitually offender and also have antecedent of four cases and if such person is dealt leniently by the Court then they will prove to be a hazard for the society in times of need.

Considering the submissions of learned APP, the Court is not inclined to enlarge the petitioner on bail, as such, the prayer for bail of this petitioner is rejected.

(Satyavrat Verma, J)

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