

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63124 of 2021

Arising Out of PS. Case No.-345 Year-2021 Thana- DANAPUR District- Patna

SONAL SINGH W/o Dr. Akhilesh Kumar Singh, R/o- Viswasraiya Nagar,
Danapur Cant, P.O. and P.S.- Danapur, District- Patna, 801503.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. State Drugs Controller, Bihar, Vikas Bhawan, New Secretariat, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Senior Advocate

Mr.Sunit Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 19-07-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.

Heard Mr. P.K. Shahi, the learned Senior counsel for
the petitioner as well as the learned Additional Public
Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Danapur P.S. Case No. 345 of 2021 registered for offence
punishable under sections 52/53 of the Disaster Management
Act, 2005, section 3 of the Epidemic Disease Act, 1897, section
7 of Essential Commodities Act and section 28 of the Drug &
Cosmetic Act, 1940.



As per allegation, the petitioner, who is proprietor of Samay Medico, sold the Jubi-R (Remdesivir) injection at MRP Rs.4,700/- in place of Rs.3,400/-, the reduced MRP, vide Notification of Government of India, Ministry of Chemicals and Fertilizers dated 17th April 2021. The further allegation is that there is mismatch in procurement and sale of that injection and the details of sale of 66 vials were not given to the raiding authority.

The learned counsel for the petitioner has submitted that earlier the MRP of that Jubi-R (Remdesivir) injection was Rs.4,700/-. On 17.04.2021, as per Circular of Ministry of Chemicals and Fertilizers, Department of Pharmaceuticals that was reduced, but that Circular was not communicated to the petitioner and it was the reason that he was selling the medicine on its earlier MRP. He has submitted further that when it came to the knowledge of the petitioner, he returned the difference of price to the customers. The details whereof has been annexed with the record. So far as the 66 vials in respect whereof there is allegation that the petitioner did not produce any document, is concerned, that is not the fact and similar allegation in another case was found to be a human error.

The learned APP has opposed the prayer for bail.



Considering the above-mentioned facts and circumstances, specially the fact that as soon as the Circular came to the knowledge of the petitioner, he returned the difference price to the customers, the petitioner above-named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur in connection with Danapur P.S. Case No. 345 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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