

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1157 of 2022

Arising Out of PS. Case No.-11 Year-2016 Thana- BAIRIYA District- West Champaran

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MINTOO KUMAR @ MINTU KUMAR RAM Son of Sri Rudal Ram
Resident of Village-Ojhawalia, Police Station-Bairiya, District-West
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha, Adv

For the Opposite Party/s : Mr.Jagdhar Prasad,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 18(c),27(B)(ii),17B(c),18(a)
(i),27(a),22(CCA),22(3),28,18(A)(VI) and 27(d) of Drugs and
Cosmetic Act, 1940 but the police submitted chargesheet under
Sections 27(B)(ii), 27(a), 22(3) and 27(d) of Drugs and
Cosmetic Act, 1940.

As per FIR, petitioner was found present at the shop at
the time of raid and several expired medicines and physician



samples were recovered from the said shop.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. In fact the petitioner is salesman and the petitioner has no concern at all with the alleged recovered article. He further submits that in fact Mr. Fanindra was the owner of the medical shop. Petitioner has no knowledge about the owner has taken licence from the competent authority or not and on the basis of the suspicion, the name of the petitioner has been transpired in the present case and the police, after investigation, submitted chargesheet against the petitioner and petitioner is in custody since 04.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bairiya P.S. Case No.11 of 2016, with the following conditions:-

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



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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