

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63383 of 2022

Arising Out of PS. Case No.-231 Year-2021 Thana- CHANDAUTI District- Gaya

MD. ASHAD IMAM @ MD. ASHAD S/O LATE ABDUL IMAM @ SYED
ABDUL QAIYUM Resident of village- Aliganj Road No- 12, P.S.-
Chandauti, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-
2022H

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 419 and
420 of the Indian Penal Code and Section 18(A), 18(c), 27(b)(ii)
and 28 of Drug and Cosmetic Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that the proprietor of S.S. Multi Specialist Nursing
Home located at Aliganj, Gaya during the course of inquiry did
not produce any license to run the Nursing Home.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case, it is



next submitted that petitioner is not the owner of the alleged Nursing Home nor is a doctor, rather the said Nursing Home belongs to one Dr. Sahzad Alam, as would be evident from Annexure-3, which is a rent agreement entered in between the owner of the premises with Dr. Sahzad Alam, it is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that one Tayeb Ali disclosed that the Nursing Home belongs to the petitioner and the said Tayeb Ali later resiled even, it is also submitted that the medicine which were seized from the Nursing Home were sent to FSL and the report has come that the medicines genuine.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that in the FIR it is alleged that the said Nursing Home belongs to the petitioner, it is also submitted that Tayeb had disclosed before the informant that petitioner is the owner of the Nursing Home, it is next submitted that no doubt petitioner may not be a doctor but then nothing prevents him from running a Nursing Home with proper license, it is also submitted that it may be a possibility that petitioner is running the nursing home with the help of doctors, it is further submitted that the rent agreement also does not inspire confidence. The learned counsel for the petitioner at



this stage submits that the petitioner will not evade the law, rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer for arriving at the truth.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chandauti P.S. Case No. 231 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court that he will co-operate in the investigation and will present himself as and when called for, is not co-operating in the investigation, nor is appearing when required before him, then the learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall



also have the liberty to cancel the bail bonds of the petitioner and to take all coercive steps that he is behind bars. Further, if the Investigating Officer after investigation submits a charge-sheet against the petitioner, then in that event the present anticipatory bail order shall loose its effect.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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