

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16120 of 2023

Arising Out of PS. Case No.-1 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Jehanabad

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RAJA RAM PRASAD S/O MUNILAL SAO Resident of village- Kurtha Dih,
P.S.- Kurtha, District- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with G.O. Case No. 01/2022, registered for the offences punishable under Sections 18-B and 28-A of the Drugs and Cosmetics Act, 1940.

The allegation is regarding the informant having conducted a raid in the departmental store of the petitioner, whereupon 47 different kinds of medicines were recovered, for which the petitioner did not possess any valid license.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he



is having a clean antecedent. The learned counsel for the petitioner has further submitted that on account of previous enmity, a false case has been lodged upon the petitioner, however, the fact is that no allopathic medicine was recovered from the departmental store of the petitioner, nonetheless, it is submitted that in case, in future any medicine is recovered from the shop of the petitioner, the petitioner may be taken to task.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that meagre quantity of medicines have been recovered from the shop of the petitioner although the same has been denied by the petitioner, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail,



however, subject to the condition that in future, if any allopathic medicine is recovered from the shop of the petitioner, the present privilege of anticipatory bail being granted to the petitioner shall stand cancelled automatically and the petitioner shall be taken into custody, forthwith.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with G.O. Case No. 01/2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

The petition stands disposed off on the aforesaid terms and condition.

(Mohit Kumar Shah, J)

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