

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27445 of 2020

Arising Out of PS. Case No.-638 Year-2019 Thana- KADAMKUAN District- Patna

1. MD. SHAHID ALI S/o Late Hasmat Ali Resident of 6 Moria ghat, P.S.-Civil Lines, District-Gaya, Bihar-823001.
2. Mukesh Kumar Singh S/o Ravindra Bahadur Singh Resident of M.P. Singh Road, Bahriya Kothi, Kadamkuan, P.S.-Kadamkuan, District-Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 13-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 274, 275, 276 and 328 of the Indian Penal Code read with Sections 18(C), 18(A), 18(B) and 17(B) of the Drugs and Cosmetics Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 25.09.2019, a raid was conducted at M.S. Transport Company and in course of inquiry two types of medicines *namely* Nitrosun and Dialex syrup were recovered and on the carton of Nitrosun, different manufacturing addresses



were found, it is next alleged that after testing no codeine was found in Dialex syrup as such the syrup was spurious, further the manager of the transport company *namely* Mukesh and Sudhir did not produce any paper regarding the medicines.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that petitioners' company is a transporter and the duty of the company is to receive orders and to transport the medicine to the place for which it has been booked, it is next submitted that petitioners were not aware as to whether the medicines were spurious or fake. Learned counsel submits that no offence under the Drugs and Cosmetics Act is made against the petitioners as the petitioners are not the manufacturers or sellers of the drug in question.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with
Kadamkuan P.S. Case No. 638 of 2019 subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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