

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51441 of 2022

Arising Out of PS. Case No.-235 Year-2020 Thana- JAYNAGAR District- Madhubani

Mukesh Kumar Singh, Male, aged about 42 years, S/o Ram Kumar Singh,
Resident of Village- Usrahi, P.S.- Deodha, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ratanakar Jha, Advocate
For the Opposite Party : Mr. Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

8 09-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Jainagar P.S. Case No. 235 of 2020 dated
09.07.2020, corresponding to C.R.I. No. 1327 of 2020
registered for the offences punishable under Section 420 of
the I.P.C., Section 18 (C) read with Sections 27(b)(ii) and
Section 18(A) read with Sections 28, 18(a)(vi), read with
Sections 27(d) of the Drugs and Cosmetic Act, 1940.



4. As per the prosecution case, on 09.07.2020, the Drug Inspector alongwith other officials inspected medical shop of the petitioner, namely, 'M/S. National Medical Stores' and during the inspection, his medical shop was found to be closed with three locks. The informant tried to contact with the petitioner but neither his mobile number was obtained nor contact was done with him. Lastly, in presence of the officials, his medical shop was opened and it was found that several medicines were stored in the shop. During the course of inspection, no license with regard to sale of medicines was found. Hence, without any license, all the medicines were seized by them.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that investigation was done by the local Jainagar Police. It is submitted that according to the amended rule/law, cognizance should have been taken by the learned Sessions Judge but in the present case, cognizance has been taken by the learned Sub Divisional Judicial Magistrate, Madhubani. No offence under Section 420 of the I.P.C. is made out against the



petitioner. The said shop was closed. As per the F.S.L. report, the sample is of standard quality and confirms the prescribed limit. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Madhubani, in connection with Jainagar P.S. Case No. 235 of 2020, corresponding to C.R.I. No. 1327 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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