

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64903 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Santosh Kumar Mahto Son of Nathuni Mahto Resident of Village -Basopatti,
Ward No -06, P.S- Basopatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Sah, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-11-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.

2. This application, for grant of anticipatory bail,
arises out of CR case no. 20 of 2023, disclosing offences
punishable under Sections 18(C), 18(a), (vi) Rule 65(5)(1)(2)
r/w Section 27(b)(ii) and 27 (d) of Drugs and Cosmetic Act,
1940.

3. The prosecution story, as per the prosecution
report, is that the petitioner was found selling some of the drugs
mentioned in paragraph no. 5 of the complaint, in retail whereas
petitioner is having wholesale license and not the license for
selling the drugs in retail. In paragraph no. 6 of the complaint, it
has further been alleged that some of the drugs have been found
stored without having any license and the license was not



displayed at the premise and when it was demanded, same was not produced. The sample of the drug were collected and has been sent for testing before the Analyst of B.D.C.L., Agamkuan, Patna.

4. Learned Counsel for the petitioner submits that petitioner is having wholesale license of drug but false allegation has been made against him that he was selling some of the drugs in retail, without giving name of the customer, who actually purchased the medicine, sold by the petitioner. Learned counsel further submits that since the petitioner is having the wholesale license of drugs, some of the drugs mentioned in the seizure list were stored in a room near the godown. He also submits that petitioner is having no criminal antecedent of similar nature of offence.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that this is the first offence committed by the petitioner under Drugs and Cosmetic Act as also considering the claim of the petitioner that he is having wholesale drug license, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his



arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I-cum-Special Judge, Madhubani in connection with CR case no. 20 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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