

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4847 of 2015

Arising Out of PS.Case No. -283 Year- 2014 Thana -BRAHMPURA District- MUZAFFARPUR

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Kashi Nath Prasad S/o Sri Baidyanath Prasad, Proprietor Ravi Enterprises,
R/o Chandani Chowk, P.S-Brahampura, Distt.-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Opposite Party/s : Mr. Madan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 16-07-2015

Heard learned counsel for the petitioner and the State.

In this case, petitioner is seeking bail in Brahampura
P.S.Case No. 283 of 2014 registered u/s 410, 120B IPC.

Allegation has been made by the G.M. (Operation) of
M/s Molson Cors Cobra Ltd. that the petitioner who is Proprietor
of Ravi Enterprises, is committing theft in payment of tax, as
wine being meant for consumption in the State of Bihar is being
manipulated by him in the manner that empty bottles of beer are
being utilized for filling of Beer outside and the same are sold in
the State of Bihar there petitioner evades to pay actual tax. The
activity of petitioner constitutes violation of Patent Act and
Trademark Act.

Counsel for the petitioner submits that the petitioner

is a registered firm and authorized to resale of broken glasses and empty bottles and he is not evading tax in any manner.

Looking to the facts and circumstances of the case, in his surrender within six weeks from to-day, is directed to be released on anticipatory bail on his furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in Brahmpura P.S.Case No. 283 of 2014, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure, one of the bailors will be his near relation and the petitioner will co-operate the investigation, also submit himself for Police interrogation when it is required and in failure, the court below will be at liberty to cancel his bail bond.

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(Shivaji Pandey, J)