

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40343 of 2016

Arising Out of PS.Case No. -279 Year- 2015 Thana -BALIA District- BEGUSARAI

1. Prabhu Rastogi S/o Late Rajendra Rastogi resident of village - Chamak
Ramtola, P.S. Ballia, Distt. - Begusarai

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-10-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Ballia P. S. Case No. 279 of 2015 for offences alleged
under Sections 467, 468, 469, 420 of the Indian Penal Code and
Sections 63, 65 of Copy Right Act and Sections 103, 104 of the
Trade Marks Act.

The prosecution case is that the informant, who is the
Chief Inspector in Dabur India Limited, got secret information
that in the Khaidan Chak, Ballia in the house / shop of Indu
Devi wife of Sanjay Sharma duplicate/forged products are made
in the name of Dabur Company and being sold in the market.
This information was submitted to the Ballia police. Thereafter,



the police formed a raiding party consisting of other police officers and reached to the place/shop. On the shop the police asked the name of the person, who disclosed his name as Sanjay Sharma and also said that this shop is being run by his wife, Indu Devi, because she is suffering from paralysis he is looking after it. Then in presence of two independent witnesses named in the written report, the shop was searched from where the products/materials were found. Documents were demanded from the person sitting at the shop, he said that his wife, Indu Devi knows regarding the documents, who is not in the house, she fled away on seeing the police. He said that his wife used to purchase the articles from the shop of Prabhu Rastogi (petitioner). The recovered articles / materials were seized in presence of the independent witnesses and seizure list was prepared. The informant has stated that all the products are forged and duplicate. It is not made of Dabur Company.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in the aforesaid case by one Sanjay Sharma who was running his shop in the name of his wife, Indu Devi and in whose shop premises, the said spurious articles were recovered. It has further been submitted that Sanjay Sharma on

apprehension has named the petitioner. He submits that the petitioner runs a stationary shop in the same locality near the shop of Sanjay Sharma and has falsely been implicated due to enmity as nothing incriminating has been recovered from the shop of the petitioner.

However, the learned APP for the State submits that the petitioner has been named by the co-accused, hence, opposes the prayer of bail.

Be that as it may, since nothing incriminating has been found from the possession of the petitioner and not from the petitioner's shop, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Ballia P. S. Case No. 279 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

ajaypd./-

U		T	
---	--	---	--