

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33030 of 2016

Arising Out of PS.Case No. -24 Year- 2016 Thana -PHULWARI District- PATNA

Mithilesh Kumar S/o late Deep Narayan Gupta R/v Khagaul Road Godown
P.S Phulwarisharif Distt Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2016

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Phulwarisharif P.S. Case No. 24 of 2016 registered for the offence
punishable under Sections 420, 120B of the Indian Penal Code,
Section 63 of the Copy Right Act and Sections 103 and 104 of the
Trade Mark Act.

The prosecution case, in brief, is that on the basis
of the written report of the informant, an authorized officer of
United Spirit Limited Company Ltd., Officer-in-charge,
Phulwarisharif Police Station raided the godown of the petitioner
on 13.01.2016 at about 2:00 A.M. and recovered huge quantity of
caps, wrappers and stickers of Mc Dowell's Whisky.



It has been submitted by the learned counsel for the petitioner that the allegation is upon Sanjeet Kumar and Golu Kumar, who were indulging in manufacture of counterfeit wrapper and caps of United Spirit Company Ltd. and the petitioner, who owns Kabari shop, is in no way concerned with the alleged offence. He submits that there is no allegation against the petitioner of having indulged in manufacturing or selling spurious liquor of McDowell company. He submits that allegation against the petitioner under the Copy Right Act or Trade Mark Act or under Section 420 of the Indian Penal Code is not made out as the allegation of manufacture of counterfeit wrapper and caps of United Spirit Company Ltd. is upon Sanjeet Kumar and Golu Kumar, who have since been arrested.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the allegation upon the petitioner has been levelled on the basis of suspicion, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like

amount each to the satisfaction of Mrs. Shema Eram, learned
Judicial Magistrate 1st Class, Patna in connection with
Phulwarisharif P.S. Case No. 24 of 2016, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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