

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38274 of 2017

Arising Out of PS.Case No. -252 Year- 2017 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Binod Kumar Sah Son of Late Mohan Prasad Sah, R/o Mohalla- Jagarnath
Suri, P.S.- Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Opposite Party/s : Smt. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Kotwali Police
Station Case No. 252 of 2017 instituted for the offence under
Sections 420 of the Indian Penal Code and Sections 63/65 of Copy
Right Act.

According to FIR lodged by the informant who
claims himself to be private representative of one Always
Detective Services (Pvt.) Ltd. and authorized by M/S K.A.S.
Zainulabbin & Company at Chennai to inquire into the duplicate
and spurious products of the company and its illegal sale and
production in the market. It is alleged that the informant got
information that the petitioner is selling Lungi of M/S K.A.S.
Zainulabbin & Company of “999 mark” in his shop. The



informant alongwith police party went to the shop of the petitioner and seized 35 pieces Lungi of 999 marks and 51 pieces Lungi of same brand from his godown and 474 pieces Lungi of same brand from his residential house. Accordingly, seizure list was prepared and case was registered against the petitioner. The petitioner has denied the allegation. There is nothing on record to show that the petitioner was found in selling the lungi of 999 brand. The alleged seizure was made in absence of petitioner and there is no antecedent against him. It was also submitted that one of the accused with similar allegation has been allowed bail by one of the coordinate Bench of this Court in Cr. Misc. No. 30043 of 2017.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Kotwali Police Station Case No. 252 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned,



(2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Kumar, J)

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