

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36279 of 2018

Arising Out of PS.Case No. -196 Year- 2018 Thana -BUDDHACOLONY District- PATNA

=====

1. Harminder Singh, Son of Late Amarnath R/o Mohalla- Police Colony,
Sai Nilenyan Apartment, Flat No. 1 (D), P.S. Gardani Bagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Shankar Das
Mr. Abhay Kumar

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-07-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Buddha Colony P.S. Case No. 196/2018 dated 29.05.2018 instituted for the offences under Sections 420, 274, 275, 276, 467, 468/120 (B) of the Indian Penal Code, Sections 27(C), 28, 28(A), 27(B) (ii), 27(D) of the Drugs & Cosmetics Act, 1940, Sections 63 & 64 of the Copy Right Act, 1940 as well as sections 103 and 104 of the Trade Marks Act, 1999.

The son of the petitioner is a licensed druggist, who runs a Medical shop under the name and style of 'Super Aushadhi'. The informant, who claims himself to be a Field Officer of Brand Protection Services Private Limited Company, Patna, received information that the medicines manufactured by



Vin Medikar & Torent Pharma Company are being unauthorizedly sold in the shop of the son of the petitioner. A report was lodged in the police and later, when the police raided the shop, medicines manufactured by the aforesaid two companies were found to be kept in the shop for the purposes of sale. Some of the medicines were fake and were not manufactured by the aforesaid two companies.

The learned counsel for the petitioner has submitted that he is not the licensed person to deal in drugs and only because he was sitting in the shop of his son, he has been made accused in this case. It has further been submitted that the offences, if found to be true, would fall specifically under the provisions of Drugs and Cosmetics Act for which only a complaint could be lodged. Only to add serious colour to the offence, offences under the Indian Penal Code also have been incorporated, thereby justifying the lodging of the F.I.R. The raid, it has been argued, has been conducted at the instance of a Field Officer of a private company which is engaged by the medicine manufacturing companies for conducting reconnaissance for any passing of or trade mark infringement by the wrong doers. The recovery of the drugs from the shop of the petitioner also appears to be doubtful.

The petitioner is in custody since 29.05.2018.



Regard being had to the aforesaid facts and also taking into account that the petitioner is not a licensed druggist as well as the period of his custody, this Court is inclined to enlarge the petitioner on bail. While saying so, this Court has also taken note of the fact that the petitioner is 70 years of age.

The petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge XVI-cum Additional Chief Judicial Magistrate, Patna in connection with Buddha Colony P.S. Case No. 196/2018.

(Ashutosh Kumar, J.)

Rakhi

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

