

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1958 of 2018

Arising Out of PS. Case No.-86 Year-2018 Thana- DIDARGANJ District- Patna

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M/s. Hind Polytubes & Fittings, a Proprietorship Firm, having its place of business at Karmalichak, Mahuli Road, Didarganj, Patna City, District Patna, through its Proprietor Rohit Kumar Son of Ganesh Kumar 508, Near Nalanda Medical College, Bimla Raj Enclave Kankarbagh Main Road, Kankarbagh, B.H. Colony, P.S. Agamkuan, District- Patna 800026.

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Director General of Police, Bihar, Patna.
2. The Collector-cum- District Magistrate, Patna.
3. The Block Development Officer, Patna Sadar, Patna.
4. The Officer Incharge, Didarganj Police Station, Patna City, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Mrigank Mouli, Advocate.

Mr. Suraj Samdarshi, Advocate.

For the Respondents : Mr. Suman Kumar Jha, AC to AAG-3.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-08-2018

The petitioner is a private limited company which has approached this Court through its proprietor seeking a direction to the respondent-authorities to unseal the factory premises which has been sealed in connection with Didarganj P.S. Case No. 86 of 2018 dated 07.06.2018 instituted for the offences under Section 65 of the Copyright Act, 1957; Section 6(2) (e)/7 of the Environment Act, 1986 and Section 420 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the company/factory has the clearance of the State Investment Promotion Board and the Industries Department. The other clearances viz. from the Department of Environment and State Pollution



Control Board are also in place. The company however had not applied for the permission from the Bureau of Indian Standards to brand its product with the ISI mark.

It has been submitted that this was out of inadvertence and lack of knowledge about taking such clearance before marking any product with ISI mark. However, it has been submitted that now the company has applied for such certification before the Bureau of Indian Standards which is pending clearance. Under such circumstances, it has been submitted that the factory in question be unsealed so that the manufacturing activity continues and the company is not put to any loss.

Learned counsel for the State however has submitted that lack of knowledge of law is no justification for violating anyone of the provisions of the Act in question.

Be that as it may, considering the factual background, this Court feels inclined to direct for unsealing of the factory premises so that the manufacturing activity is not put to halt during the period of investigation.

However, for the aforesaid purpose the petitioner would be required to give an undertaking that he shall not seek release of the plastic pipes which have been embossed with ISI marks or such final products which have been manufactured under a different name and brand than what has been permitted to the



company.

The respondent no. 4 shall unseal the factory premises but shall take the aforesaid undertaking from the petitioner.

The petitioner shall further give a separate undertaking that under no circumstance would he violate anyone of the provisions of the acts in question and henceforth without any statutory clearance, the company shall not embark upon any manufacturing activity. Should it be found that any product of the company is in derogation of anyone of the requirements under the statutory provisions/clearances, necessary action shall be taken and the petitioner shall not ask for unsealing of the premises again.

This Court says so with the sole purpose in mind that manufacturing activity should not get a thwack as it would serve no purpose.

It is further made clear that investigation of the case shall continue and shall not in any way be impacted with the passing of the present order.

With the aforesaid observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

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