

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10474 of 2019

Arising Out of PS. Case No.-714 Year-2018 Thana- KHAJANCHI HAT District- Purnia

BISHWANATH ROY @ VISHWANATH ROY S/o Har Kumar Roy Resident
of Newalal Chowk, P.S-K.Hat, Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-02-2019 Heard both sides.

The petitioner apprehends his arrest in K.Hat P.S.
Case No.714 of 2018 registered under Sections 420 and 34 of
the Indian Penal Code and under Sections 63 and 64 of
Copyright Act and under Sections 103 and 104 of Trade Mark
Act.

The authorized officer of Castrol Oil Company
supervise the shop of the petitioner, Bishwanath Roy and the
shop of Dinesh Motor. From the shop of the petitioner, it is
alleged that petitioner was found selling spurious/duplicate oil
of Castrol company.

The learned counsel for the petitioner submits that
petitioner is not the retailer of Castrol Oil Company. From
perusal of the seizure list(page 16), it would appear that



petitioner runs a shop in the name of Vishwakarma Motorcycle Garage. Petitioner does not sell any brand of oil. The customers came with the oil for repairing of their vehicles and for that the petitioner cannot be held responsible for use of such duplicate Castrol oil.

Taking into consideration the facts aforesaid and the fact that from perusal of the seizure list attached with the F.I.R. itself, it appears that petitioner was the owner of Vishwakarma Motorcycle Garage and he was not a retailer of Castrol Oil company, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K.Hat P.S. Case No.714 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

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

