

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36660 of 2019**

Arising Out of PS. Case No.-154 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Sanjay Sah @ Sanjay Kumar, Son of Shankar Prasad Sah Resident of Mohalla
- Madnuchak, Mirjanhat, P.S.- Mozahidpur, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Gupta

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 17-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Kotwali P.S. Case No.154 of 2019 for the offence punishable under
Section 420 of the Indian Penal Code and Section 63 and 65 of
Copy Right Act. .

The allegation against the petitioner, as mentioned in the
FIR is that the company conducted a survey near the Bhagalpur
Station and found that several bags of Fast Track Company was
kept in the shop of the petitioner, namely, Sanjay Bag Shops. It has
further been alleged that 185 bags were recovered from the shop of
the petitioner of Fast Track Company.

Mr. Sharda Nand Mishra, learned counsel appearing for
the petitioner submits that petitioner has committed no offence in
the manner alleged. Learned counsel further submits that as per the



Section 63 and 65 of the Copy Right Act, it is the responsibility of the manufacturer not to use trade mark of existing company and admittedly the petitioner is not the manufacturer and he is the small retailer / shop owner near the railway station of Bhagalpur. Learned counsel further submits that petitioner is not the manufacturer and he was selling the bags on the basis of bags being supplied by stockist.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that petitioner is not manufacturer of bags and is only a shopkeeper, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

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(Anil Kumar Sinha, J)

