

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3191 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Munna Dubey @ Dharendra Kumar Dubey Gender: Male, aged about 39
Years, Son of Shri Murli Dubey, resident of Village : Bhagwanpur, PO and
PS- Bhagwanpur, District - Kaimur (Bhabhua), PIN: 821102, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravish

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Bhagwanpur P.S. Case No. 224 of 2019, registered for the
offence punishable under Sections 419/420 of the Indian Penal
Code, 1860, Sections 103 / 104 of the Indian Trade Marks Act,
1999 and Sections 63/64 / 65 of the Copy Right Act, 1957.

The allegation against the petitioner is that the Police
along with the representative of the Dabur India Co. Ltd. raided
the house of the petitioner and recovered a total quantity of
1900 pieces of *Gulab Jal* and wrapper from the house of the
petitioner and it is alleged that the fake products of Dabur India
Co. Ltd. was being manufactured and sold violating the Trade



Marks Act and Copy Rights Act.

Mr. Kumar Ravish, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as from perusal of the First Information Report and seizure list it would be evident that the alleged fake product was recovered from the house of the petitioner but the seizure list has not been prepared as per the provisions of Section 100 of the Cr.P.C. and no family members or neighbours of the petitioner have been made seizure list witness and only the representatives of the Dabur India Co. Ltd. signed the seizure list as witness. Learned counsel further submits that the alleged house from where the alleged fake products of Dabur India Co. Ltd. was recovered is a dilapidated house made of mud and tile and the petitioner and his family members do not reside in the same. Learned counsel further submits that petitioner is a responsible person and is a priest in Maa Mundeswari Temple and carries out *Puja* in the temple, which would be evident from Annexure- P/2 of this application.

Having heard learned counsel for the parties and taking into consideration the fact that from perusal of the impugned order it would be evident that the house from where the fake products were recovered is made of mud and tile and



further that the petitioner is a priest performing *Puja* in Maa Mundeswari Temple, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on 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, Kaimur at Bhabhua in connection with Bhagwanpur P.S. Case No. 224 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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