

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17963 of 2020**

Arising Out of PS. Case No.-15 Year-2020 Thana- BARARI District- Katihar

SARDAR MITHUN SINGH @ SARDAR MITHUN KUMAR SINGH Son
of Sardar Gurupal Singh Resident of Village - Barari, P.S.- Barari, District -
Katihar.

.. ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimal Kumar,Advocate

For the Opposite Party/s : Mr.Nirmala Kumari,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 02-12-2020 Heard learned counsel for the petitioner and Ms.
Nirmala Kumari, learned APP for the State.

This is a police case but the considering the nature of
the case this Court had earlier directed to add the informant as
O.P. No. 2. Notice was also issued to him on the address given
in the FIR but the notice has returned undelivered saying that he
is not available.

Learned APP for the State submits that the address
given in the FIR is the only address available on record,
however, this being a police case and now that case diary has
been received, the Court may consider and dispose of the
application on the basis of the materials collected in course of
investigation.

The petitioner in the present case is seeking pre-arrest



bail in connection with Barari P.S. Case No. 15 of 2020 registered for the offences punishable under Sections 63/65 of Copyright Act, 1957.

Learned counsel for the petitioner submits that as per the First Information Report the informant claims himself an employee of Anti-Piracy Group services LLP(Delhi). The said LLP has been engaged by Dabur India Limited to take action against any duplication of the goods manufactured by Dabur India. The informant claims that the sale of gulab jal was going down in Barari, Katihar and for this reason when he reached there to find out the reasons, he found that duplicate gulab jal were being sold in the name of Dabur Company. This was informed to the Barari police station and then at the instance of the informant a raid was conducted in the house of this petitioner wherein huge quantity of duplicate gulab jal were being prepared. This petitioner allegedly disclosed his name but could not produce any sufficient paper to explain as to how he was preparing the gulab jal. The police personnel seized the rose water and some stickers as also some bottles kept there. It is alleged that the petitioner was involved in violation of the provisions of Section 63/65 of the Copyright Act.

Learned counsel submits that entire allegations are



false and baseless as in course of investigation neither the alleged rose water has been tested in any laboratory nor any such materials has been seized from the market and no connection of this petitioner has been revealed in the matter of manufacturing of duplicate gulab jal and selling them in the market.

Learned APP for the State accepts that in course of investigation no independent witness has been examined and does not dispute that even the seizure list witness has not been examined by the police.

Having regard to the facts and circumstances of the case, in the nature of the submissions and there being no significant materials to oppose the application, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Barari P.S. Case No. 15 of 2020, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Katihar, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

