

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83394 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- GHOGHARDIHA District- Madhubani

DINESH MISHRA Son of Kamlakant Mishra Resident of Village - Debdh,
P.S.- Ghoghardiha, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar Sinha (Sr. Advocate)

For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 29-06-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Ghoghardiha P.S. Case No. 141 of 2019, disclosing the offence under Sections 419, 420 of the Indian Penal Code, Section 63, 64, 65 of the Copyright Act, 1957 and 103, 104 of the Trade Mark Act, 1999.

The informant claims to be an investigator of Dabur India Ltd. He has alleged in the F.I.R. that on 20.10.2019, he had visited the petitioner's place with an Executive Magistrate aided by local police. Upon seeing the police, the petitioner sneaked away from the premises. Allegedly, considerable amount of oil, empty bottles with false trade description of 'Dabur oil' and fake wrappers were recovered.



Learned Senior counsel appearing on behalf of the petitioner has submitted that the seizure list does not contain the signature either of the Executive Magistrate or of the Police Officials. He has argued that no such raid could have been conducted in the absence of a police officer below the rank of Sub-Inspector of Police, in the light of clear provision under Section 64 of the Copyright Act, 1957. He has further submitted that the entire exercise has apparently been carried out by a private person, based on which the F.I.R. has been registered.

Considering the facts and circumstances, in my opinion, a case for grant of anticipatory bail is made out.

This application is allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned S.D.J.M., Jhanjharpur in connection with Ghoghardiha P.S. Case No. 141 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as



and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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