

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13667 of 2021

Arising Out of PS. Case No.-297 Year-2020 Thana- SULTANGANJ District- Patna

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Shahanawaz @ Shahanawaz Ansari, aged about 25 years, male, Son of Late
Md. Mumtaz Ansari, Resident of Old Azimabad Colony, P.S.- Sultanganj,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Mushtaque Alam, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-07-2021 Heard Md. Mushtaque Alam, the learned Advocate

for the petitioner and learned APP for the State.

A request has been made for giving an early
hearing to this case as the petitioner is to get married on
29th of July, 2021 and the reception party is scheduled for
31st July, 2021. In support of the aforesaid contention, the
learned counsel for the petitioner has brought on record the
marriage invitation card.



The prayer for giving an early hearing to the case is allowed.

The petitioner seeks bail in anticipation of his arrest in connection with Sultanganj P.S. Case No. 297 of 2020, instituted for the offences under Sections 420, 482, 483 and 34 of the Indian Penal Code and Sections 63 and 65 of the Copy Rights Act, 2012.

An accusation has been levelled against the petitioner that in his shop, fake shirts and trousers are being sold.

The learned counsel for the petitioner has submitted that he is the proprietor of a shop which sells mens-wear on-line. The purchases are made by him from Kanpur. If a wrong label has been used on such garments, the offence of breaching the trademark or the trade dress would not fall squarely on the petitioner. He has further submitted that the petitioner is an unsuspecting purchaser of garments for the purposes of on-line sale. Thus, neither the offence under the I.P.C. nor the Copy Rights Act can at all be said to have been made out against the petitioner.



The learned counsel for the petitioner has also orally informed this Court that with respect to the same company which has alleged that its products are being sold unauthorizedly, different other cases have been lodged against different shop-keepers and in such cases, the accused persons have been granted bail.

Regard being had to the nature of accusation against the petitioner, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-II, Patna City in connection with Sultanganj P.S. Case No. 297 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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