

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1110 of 2021**

Sanat Dewangan S/o Shri Khorbahara Dewangan Aged About 41 Years R/o 345, Masjid Pichhwada Para, Village Hathbandh, P. S. Simga, District Balodabazar- Bhatapara Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through P. S. Simga, District Balodabazar- Bhatapara Chhattisgarh.

---- Non-applicant

For Applicant : Shri Adhiraj Surana, Advocate

For Non-applicant/State : Shri Shrikant Kaushik, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****21.09.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.374 of 2021, registered at Police Station Simga, District Balodabazar-Bhatapara, Chhattisgarh for offence punishable under Section 63 of Copyright Act, 1957, Sections 103, 104 of Trademarks Act, 1999 and Section 417 of Indian Penal Code.
2. Case of the prosecution in brief, is that, based on the information, Manager (Operations), Kshetrapal Piracy Control System Private Limited, New Delhi made inspection of applicant's shop along with Senior District Agricultural Officer and found 114 packets of duplicate 'Fertera' pesticide in the shop of applicant. The pesticide seized from the possession of applicant was given in custody to the applicant on 14.08.2021. After detection of duplicate pesticides in the shop of

applicant for the purpose of selling, written report was lodged by Manger (Operations) of Kshetrapal Piracy Control System Private Limited, New Delhi. On the basis of written report, aforementioned offence was registered against the applicant.

3. Shri Adhiraj Surana, learned counsel for the applicant would submit that applicant is having small shop of selling fertilizers and pesticides. Applicant purchases the products from others and thereafter, sells to the farmers and agriculturists. Even in First Information Report, there is no allegation that applicant is manufacturer. He further submits that applicant has purchased alleged products through Basant Jain, goods have been transported through Gurunanak Garage and he also made payments against the goods to Basant Jain, hence, applicant may be enlarged on anticipatory bail.
4. Per contra, Shri Shrikant Kaushik, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicant, would submit that when the shop of applicant was searched along with team of complainant and Senior District Agricultural Officer, 114 packets of duplicate 'Fertera' pesticide was recovered, based upon which, First Information Report was lodged. He further submits that during the course of *Panchnama*, applicant could not able to state the agency or person, from whom, applicant has purchased alleged products, hence, applicant is not entitled for benefit under Section 438 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, submissions made by learned counsel for the

parties, documents placed on record by the applicant showing him to be retail seller, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.

7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-

(Parth Prateem Sahu)
Judge