

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1494 of 2020

Pankaj Kumar Gupta S/o Shri Omprakash Gupta Aged About 34 Years
R/o Chourasiya Colony, Santoshi Nagar Raipur, Tahsil Bagbahra,
District Mahasamund (Chhattisgarh) ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Mahasamund, District Mahasamund (Chhattisgarh) ---- **Respondent**

For Applicant	:	Mr. Vaibhav A. Goverdhan, Advocate.
For Respondent/State	:	Mr. Lalit Jangde, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/01/2021

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.322/2020 registered at Police Station – Mahasamund, District Mahasamund (C.G.) for alleged commission of offence under Section 63 of Copy Right Act & 420 of IPC.
2. Prosecution case is that about 5000 fake caps of bottle of Goa whiskey were seized from the possession of one Amit Kumar Gupta in the course of transit and at that time, he had disclosed that these caps were handed over to him for being transporting by the present applicant.
3. Learned counsel for the applicant would submit that mere disclosure of name of the applicant, in response to notice under Section 91 of Cr.P.C. does not constitute any material against the present applicant to make out a prima facie case of commission of offence by him as against by prosecution and it is a case of false implication by the Police involving the applicant. Learned counsel for the applicant would also submit that no case of commission of offence under Section 63 of Copy Right Act is also made out and therefore, only on the basis of allegation of commission of offence under Section 420 of IPC, applicant could not be arrested by the police.

4. On the other hand, learned State counsel opposes the prayer and argue that the seizure of 5000 fake caps of bottle of Goa whiskey were recovered from the co-accused requires a serious investigation regarding the role of the applicant as the co-accused failed to produce any valid authority of possession of the caps and therefore, the applicant, at this stage, could not claim for grant of anticipatory bail.

5. The information received by the police while arresting co-accused is that 5000 fake caps of bottle of Goa whiskey were handed over to the co-accused by the present applicant. Therefore, benefit of anticipatory bail cannot be granted to the applicant.

6. In that view of the matter, the application for grant of anticipatory bail is rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E