

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48958 of 2021

Arising Out of PS. Case No.-193 Year-2021 Thana- LALGANJ District- Vaishali

MD. SHAMSHAD Son of Md. Rahim @ Md. Abdul Rahim Resident of
Village - Batraul, P.S.- Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Lalganj P.S. Case No. 193 of 2021, dated 04.06.2021 instituted
for the offences under Section 420 of the Indian Penal Code and
Section 63 of the Copy Right Act read with Sections 103 and
104 of the Trade Mark Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.06.2021, is a person with clean
antecedent and charge-sheet has been submitted in this case.

Learned counsel for the petitioner submits that
informant gave written information to Lalganj Police Station on
04.06.2021 that he got secret information that Md. Shamshad



(petitioner) is involved in manufacturing duplicate product of branded company and is supplying in the market, accordingly, the house of the petitioner was raided and huge quantity of duplicate product of various branded companies were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated and the petitioner is a poor rickshaw puller who had given his one room on rent to Md. Naushad and Md Irshad vide rent agreement dated 03.05.2021 (Annexure-2 to the bail application), as such, was not knowing what they were doing in the said premises.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail and submits that forged and fabricated goods are capturing the market and the genuine goods are suffering and at the same time the citizens are being deprived of the genuine goods and are being forced to purchase such duplicate goods in the name of branded company. Learned A.P.P. further submits that Annexure-2 which is alleged to be the rent agreement does not appear to be genuine as it does not carry any photograph of the person who entered into the agreement. Learned A.P.P. next submits that if the petitioner is not involved in the case, he will definitely get an acquittal but for the present persons like him should not be released on bail as



he would indulge in flooding the market with fake product.

Considering the submission of Shri Brajendra Nath Pandey, the learned A.P.P. for the State, the Court is not inclined to grant bail to the petitioner in connection with Lalganj P.S. Case No. 193 of 2021 pending in the Court of learned Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

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