

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35935 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- AIRPORT District- Patna

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Sachin Kumar Suman @ Sachin Raj S/O Kamal Narayan Yadav R/O Village-
Pauni, P.S-Ghanshyampur, District-Darbhangha at present R/O Brahamsthani
Gali Near of prakash Tower Ki Gali, P.S.- Shastri Nagar, Baley Road Patna-14

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Rajnish Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Hawaii Adda P.S. Case No. 21 of 2023 registered for the
offence punishable under Sections 420 of the Indian Penal Code
and Section 103 and 104 of the Trade Mark Act, 1999.

3. It is alleged that one Ranjit Kumar Sah, who is said
to be director of Alfa Intelligence Pvt. Ltd. Co., Kent RO
System Ltd. raided the shop of the petitioner which runs in the
name and style of Lovely House Services and seized various
spare parts which were allegedly duplicate parts of Kent RO.

4. The learned counsel appearing on behalf of the
petitioner submits that the petitioner is the bona fide



businessman and owner of Lovely House Services and he had purchased all the articles of Kent RO from an authorized distributor, however, without there being any verification of the seized articles, in question, the present F.I.R. has been instituted at the instance of so called director of Alfa Intelligence Pvt. Ltd. He submits that even as per the narration of the F.I.R., it appears that the informant was not an authorized person to conduct search and seizure and the launching of the prosecution case appears to be wholly illegal. He next submits that one identically situated businessman whose shop was also raided by the informant, he has been allowed the privilege of anticipatory bail by the learned co-ordinate bench of this Court in Cr. Misc. No. 30297 of 2023 vide order dated 17.07.2023, the copy of which has been produced before this Court. He next submits that the petitioner is a man of fair antecedent.

5. On the other hand, learned APP for the State oppose the pre-arrest bail application.

6. Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is a bona fide businessman and moreover the search and seizure has been made without any verification, coupled with the fair antecedent, let the above named petitioner, be released on bail,



in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Patna, in connection with Hawaii Adda P.S. Case No. 21 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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