

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33669 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- KALYANPUR District- Samastipur

Aswani Kumar Gupta @ Aswani Kumar @ Sonu Jee @ Sonu, aged about 41 years, s/o Shambhu Nath Gupta, resident of Ward no. 24, Sitaram Press, Pethiya Gachhi, Muktapur, P.S. Kalyanpur, District Samastipur, Bihar
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Kalyanpur PS Case No.363 of 2023 dated 28.12.2023, instituted under Sections 486, 487, 420, 272, 273, 467, 468 and 120-B of the Indian Penal Code, Sections 51, 63, 64 and 65 of the Copyrights Act, 1957, and Sections 103 and 104 of the Trade Marks Act, 1999.

3. The prosecution case, in short, is that on the basis of secret information, the informant conducted raid in the 'Byahut Traders Company' and seized salt of different companies and also found blank packet which matches with the colour, design and logo of Tata Salt Company and accordingly,



prepared the seizure list. It is further alleged that the informant also conducted raid in the shop of Raman Kumar @ Raman Kumar Singh and recovered six bags of Tik-tok salt and prepared seizure list.

4. Learned counsel for the petitioner submits that the petitioner is the wholesale dealer who deals with salt under the trade name of M/s Byahut. The petitioner is not the manufacturer of the salt. From perusal of the FIR, it would appear that registered address of the *Tik-Tok* salt manufacturer is Gandhidham Salt and Chemical Industries, District-Surendranagar, Gujarat, manufacture of Titan Shakti salt is Laxmi Salt Works, District- Nagour, Rajasthan, and Bhagwawati Tata Salt Manufacturer, Nagaur, Rajasthan. Petitioner is not the owner of the manufacturer companies and so the sections of the Copyright Act and Trade Mark Act will not be applicable against the petitioner. The petitioner is the wholesale dealer of Tik Tok salt, Titan Salt, Tada Salt and Taza salt and he has purchased the same through valid invoice and proper bill from the company, who manufactured the same. The salt was delivered through railway and the petitioner has valid invoice in respect of the aforesaid delivery through railway. Further submission is that co-accused, Raman Kumar @ Raman



Kumar Singh, has been granted bail by this Court by order dated 21.05.2024 passed in Cr. Misc. No.30065 of 2024. Lastly, it is submitted that after the institution of present case, two more cases have been lodged against the petitioner under the same Copyright Act.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur, in Kalyanpur PS Case No.363 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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