

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26391 of 2025

Arising Out of PS. Case No.-326 Year-2023 Thana- SARAI District- Vaishali

Ashwani Kumar @ Sonu Jee Son of Shambhu Nath Gupta Resident of Ward
no. 24, Sitaram Press, Pethiya Gachhi, Muktapur, P.S. Warisnagar, District
Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Rasika Ms. Priti Ms. Jyoti Singh
For the Opposite Party/s :		Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2025 Heard Mrs. Rasika, learned counsel for the

petitioner and Mr. Narsingh Tanti, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sarai P.S. Case No. 326 of 2023, dated
22.12.2023 registered for the offences punishable under
Sections 420, 486, 487 & 120B of the Indian Penal Code,
Sections 63/65 of the Copyright Act and Sections 103 and 104
of the Trade Marks Act, 1999.

3. The prosecution case in brief is that on a secret
information the police intercepted six trucks loaded with



duplicate salt which was to be transported to different parts of Bihar. The driver of truck bearing registration number JH-02J-7594 fled away from the spot whereas other drivers along-with helpers were apprehended. The police found that all trucks were laden with unauthorized Mahavir Tulsi salt. The logo, packaging and design of the seized salt was identical to that of Tata Salt. However, Mahavir Tulsi salt is a product of M/s Sagar Chemfood Industries situated at Halvad, Gujarat. Further, seizure list of the same was prepared. It is further alleged that the Bills of challan recovered from the seized vehicle were issued in the name of M/s Bayahut Trader (wholesaler -cum- commission agent of iodine salt) owned by the petitioner herein.

4. Learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner is a wholesale dealer of Mahavir Tulsi salt under the trade name of Bayahut Traders and the company had manufactured the salt in the name of Mahavir Tulsi salt and the petitioner has no concern at all with the alleged recovery of the logo, packing and design of the seized salt which was identical to that of Tata salt. Learned counsel for the petitioner further submits that for a short span of time,



three F.I.R.s. have been registered against the petitioner for the same set of allegations and the petitioner has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.07.2024 passed in Cr. Misc. No. 33669 of 2024 in connection with Kalyanpur P.S. Case No. 363/2023 and with respect to Waris Nagar (Mathurapur O.P.) P.S. Case No. 07 of 2024, the petitioner has been granted the privilege of anticipatory bail vide order dated 25.09.2024 in Cr. Misc. No. 63275 of 2024 by a co-ordinate Bench of this Court. Learned counsel for the petitioner further submits that the petitioner is merely a wholesale dealer who deals in salt under the trade name of Bayahut Traders and the petitioner is neither the owner nor the manufacturer of the said salt company and as such, Sections of Copyright Act and Trade Marks Act is not made out against the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph No. 3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-16, Vaishali at Hajipur in connection with Sarai P.S. Case No.326 of 2023, subject to the conditions as laid down under Section 438(2)/Section 482(2) of the BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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