

Rakesh Kumar Mahto vs The State Of Jharkhand Opp. ... on 5 April, 2022

Author: Subhash Chand

Bench: Subhash Chand

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 207 of 2022
Rakesh Kumar Mahto Petitioner

Versus
The State of Jharkhand Opp. Party

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. A.K Chaturvedy, Advocate For the State : Mr. P.D. Agrawal, A.P.P.
4/05.04.2022 Heard learned counsel for the applicant and learned APP for the State.

The bail application has been filed on behalf of the abovenamed applicant with a prayer to release on bail in connection with Ramgarh P.S. Case No.283/2021 under section 269,270,273,420,120B of the IPC, section 63/65 of Copy Right and section 27(3) d), 27(3) (e) of Food Safety and Standard Act and Section 5/6 of COTP Act pending in the court of learned Chief Judicial Magistrate, Ramgarh.

Learned counsel for the applicant has submitted that the FIR of this case was lodged by the police officers against six named accused persons including the applicant with these allegations that the police had got information that in the house of Vishal Singh illegal factory of manufacturing of gutka was being carried and raid was conducted and one Guddu Kumar Gupta was also apprehended. Three other persons who were working inside the factory were identified as Rakesh Kumar Mahto, Birendra Barnwal and Jitendra Sharma @ Puran. Vikash Kumat Mahto stated himself to be the manager of the factory and Viky Sarfaraz was responsible to sale the gutka. The police had seized the machines and other raw materials at the spot and accordingly FIR was lodged.

Learned counsel for the applicant also submitted that the applicant is innocent and has been falsely implicated in this case. There is nothing on record to show that the gutka being manufactured was noxious. There is cogent evidence in regard to infringing of any copy right. The applicant has been languishing in jail since 03.10.2021.

Learned APP for the State vehemently opposed the contentions made by the learned counsel for the applicant and contended that the incriminating articles were recovered and seized in presence of the

independent witnesses.

In view of the submissions made and the material on record, the bail application of the applicant is, hereby, allowed. Let the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of like amount to the satisfaction of the court concerned in the aforesaid case.

(SUBHASH CHAND, J.) tarun