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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 478 of 2026

Atik Ahmed @ Jumman Sheikh S/o Rafik Ahmed Aged About 48 Years
R/o Village- Chichola Tehsil- Lalbahadur Nagar, Distt- Rajnandgaon
(C.G.)

... Applicant

versus

State Of Chhattisgarh Through- Officer-In-Charge, P.S. Chhuriya
District- Rajnandgaon (C.G.)

... Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate

For State/ Respondent : Ms. Vaishali Mahilang, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

10.04.2026

1. This anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicants, who are apprehending their arrest in connection with Crime No.08/2026 registered at Police Station – Chhuriya District Rajnandgaon (C.G.) for the offence punishable under Sections 63 of Copyright Act, 1957 and 318 (4) of BNS, 2023.
2. The case of the prosecution, in brief, is that on **08.01.2025**, the



complainant, namely Mangal Pandey, who is stated to be duly authorized by Mahindra Oils, Tata Motors and Gulf Oil Lubricants India Limited as an Investigating Manager, along with the police authorities, conducted an inspection at the shop of the present applicant situated near Jumman Dhaba, Patekhohra Barrier, Rajnandgaon, where it was allegedly found that DEF (urea) of the aforesaid companies was being filled into 20-litre containers after affixing duplicate holograms and stickers and was being sold to customers as genuine products; it is further alleged that from the possession of the co-accused, 33 containers of 20 litres each of Mahindra Axix Oil Plus, 54 containers of 20 litres each of Gulf Company, 10 containers of 20 litres each of Bharat Benz Company, and 50 containers of 30 litres each of Tata Motors Diesel X, along with 3 counterfeit sheets of Tata holograms, were seized, totaling 2,940 litres of urea valued at ₹1,92,085/-.

3. It has been argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. Learned counsel for the applicant submits that no offence, much less any offence under Section 63 of the Copyright Act, 1957, is made out against the present applicant, as there is no material on record to suggest any act of infringement of copyright attributable to him. It is contended that the applicant is running a shop in the name and style of M/s Atik & Sons which is engaged purely in trading activities and not in any manufacturing or packaging work. Learned counsel further submits that the



applicant, not being the manufacturer of the alleged urea, had no knowledge of any purported illegality and, in the absence of any role in manufacturing or affixing labels or holograms, the essential ingredients of the alleged offence are not attracted. Learned counsel for the applicant further stated that applicant was having 07 criminal antecedent out of which he has been acquitted in three cases and others have already been disposed of. It is also contended that the case has been registered in the absence of the applicant, who was out of station at the relevant time, and that the allegations are primarily directed against the co-accused. It is further submitted that the offences alleged are triable by a Magistrate and do not fall within the category of heinous offences. There is no allegation of tampering with evidence or influencing witnesses, and the applicant undertakes to fully cooperate with the investigation and trial. Lastly, it is submitted that the applicant is a permanent resident having deep roots in society, there is no likelihood of his absconding, therefore, he prays for grant of anticipatory bail to the applicants.

4. On the other hand, learned State counsel opposes the bail application and submits that a large quantity of counterfeit DEF (urea), along with duplicate holograms and stickers, has been seized from the shop of the applicant, and being the proprietor thereof, his involvement cannot be ruled out. It is further submitted that custodial interrogation is necessary and, considering the criminal antecedents of the applicant, he is not entitled for grant of



bail.

5. I have heard learned counsel for the parties and perused the materials available on record.
6. Considering the facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, and upon perusal of the case diary, it transpires that the applicant is running a shop engaged purely in trading activities and is neither involved in any manufacturing nor packaging work; further, the applicant not being the manufacturer of the alleged urea and in the absence of any material indicating his role in manufacturing or affixing labels or holograms, the essential ingredients of the alleged offences do not prima facie appear to be attracted. It is also noted that the case has been registered in the absence of the applicant, who was out of station at the relevant time, and that the allegations are primarily directed against the co-accused. In such circumstances, this Court is of the considered view that the applicant is entitled to be granted anticipatory bail.
7. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicant – **Atik Ahmed @ Jumman Sheikh** on executing a personal bond with one surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-
 - (a) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person



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acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court.

(b) The Applicant shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) The Applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) The Applicant and the surety shall submit a copy of their adhaar card alongwith a colored postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) The Applicant shall not involve himself in any offence of similar nature in future.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

**Sd/-
(Ramesh Sinha)
CHIEF JUSTICE**

Arpan