

Patna High Court - Orders

Mukesh Chaudhary & Anr vs State Of Bihar on 7 July, 2008

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.24208 of 2008

MUKESH CHAUDHARY & ANR

Versus

STATE OF BIHAR

2. 07.07.2008 Heard learned counsel for the petitioners and the state.

Petitioner no. 1 Mukesh Chaudhary @ Mukesh Kumar is brother of petitioner no. 2, Rajeev Chaudhary @ Suryadeo Chaudhary who is a licensee and has agency of Pepsi and Mirinda.

The offence alleged is u/S 2, IX, (J),(K),(16)(1AA) and Rule 50(1) of the Food Adulteration Act.

It is alleged that the food inspector raided business premises of petitioner No.2 and seized bottles of cold drink. The seized product was sent for chemical analysis and they were found to be misbranded.

Counsel for the petitioners submits that as per report , it is only violation of rule 32 of the Food Adulteration Act for which maximum sentence is of six months and fine. It has also been submitted that all necessary documents were produced to show that the petitioner No. 2 is a licensee and for misbranded products only the company is liable but in spite of that no case was instituted against the company.

Considering the facts and circumstances of the case, prayer of anticipatory bail on behalf of the petitioners named-above is allowed. In the event of their arrest or surrender within three weeks from today in the court below, they will be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) each with two sureties of the like amount each in connection with G.O. Case No. 03/05 T.R.No. 2232/07 to the satisfaction of SDJM, Samastipur.

A.K.V

(Mridula Mishra, J.)