

BLAPL/1688/2021 on 30 June, 2021

Author: B.P.Routray

Bench: B.P.Routray

BLAPL No.1688 of 2021

6 30.6.2021

I have heard Mr.P.K.Rath, learned counsel for the Petitioner and Mr.G.N.Rout, learned counsel for the State.

The present petition has been filed under Section 439 Cr.P.C. for grant of bail to the Petitioner in connection with G.R.Case No.216 of 2021 arising out of Banarpal P.S.Case No.46 of 2021 pending in the court of the learned S.D.J.M., Angul for alleged commission of offences under Sections 272/273/420/468/471/34 of the I.P.C., Sections 51/52/56/59/63 of Food Safety and Standards Act, 2006, Section 16 of Prevention of Food Adulteration Act and Section 36 of Legal Metrology Act.

The allegations are to the effect that without any valid license the Petitioner was running a flour mill and selling packaged wheat flour labeling the name of 'Padma' and 'Aadarsh Chaki Fresh Atta'. On such allegations, a plain paper F.I.R. was drawn by the Sub-Inspector of Police, Banarpal Police Station, which was registered as Banarpal P.S.Case No.46 dated 30.1.2021.

The Petitioner is inside custody since 31.1.2021. It is contended on behalf of the Petitioner that he is a poor businessman and not connected with the alleged offences and the ingredients of the wheat flour as analyzed in the chemical examination report are not violating the prescribed parameters. It is also

contended that collection of sample of the food items are in violation of Section 47 of the Food Safety and Standards Act. The investigation being completed, no further need is there to detain the petitioner in custody.

On the other hand, learned counsel for the State argued that the offences being related to human consumable items, considering the gravity and seriousness of the offences, the petitioner should not be enlarged on bail.

Copy of the chargsheet and other documents filed by the Petitioner inter alia reveal about seizure of different items including large quantity of wheat flour, unused empty packets of above stated brand names and the packing machine. The statements of the witnesses disclose that the Petitioner was the owner in occupation

of the seized flour mill.

Perusal of the chemical examination report shows that, the tested food sample of wheat flour is unsafe for human consumption due to presence of unidentified structures and sub-standard due to non-fulfillment of prescribed para-meters of food ingredient and their characteristic.

Amongst the offences alleged, Sections 272 and 273 of the IPC (Odisha Amendment) prescribe punishment for imprisonment for life.

Considering the nature of offences, seriousness of the charge and the materials surfaced against the Petitioner in course of investigation, I am not inclined to release the Petitioner on bail. Accordingly, the prayer for bail is rejected.

The BLAPL is dismissed.

After pronouncement of the orders, learned counsel for the Petitioner prays to grant him liberty to renew his prayer for bail afresh before the court below in seisin over the matter.

The Petitioner is at liberty to renew his prayer for bail afresh.

Copy of this order be uploaded in the High Court's official website as per Court's Notice No.4798, dated 15th April, 2021.

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B.P.Routray, J crb