

Muzahid Abdul Gaffar vs State Of U.P. And Another on 22 February, 2021

Author: Siddharth

Bench: Siddharth

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 3472 of 2021

Applicant :- Muzahid Abdul Gaffar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Saiyad Iqbal Ahmed

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Order on the Exemption Application Application is allowed.

Order on the Anticipatory Bail Heard learned counsel for the applicant and learned A.G.A for the State.

The instant anticipatory bail application has been filed on behalf of the applicant, Muzahid Abdul Gaffar, with a prayer to release them on bail in Complaint Case No. 1583 of 2019, under Sections- 26,51,59 of Food Safety and Standards Act,2006 Police Station- Pakbada, District- Moradabad, during pendency of trial.

The applicant is not entitled to be granted anticipatory bail. The offences alleged are prima facie made out from the allegations in the FIR.

However, in view of the entirety of facts and circumstances of the case, it is directed, on the request of counsel for the applicant, that in case the applicants appear and surrender before the court below within 90 days from today and apply for bail, their prayer for bail shall be considered and decided as per the settled law laid by this Court in the case of Amrawati and another Vs. State of U.P. reported in 2004 (57) ALR 290 as well as judgement passed by Hon'ble Apex Court reported in 2009 (3) ADJ 322 (SC) Lal Kamendra Pratap Singh Vs. State of U.P. Till then no coercive action shall be taken against the applicant.

However, in case, the applicant does not appear before the court below within the aforesaid period, coercive action shall be taken against him.

It is made clear that the applicants will not be granted any further time by this court for surrendering before the court below as directed above.

With the aforesaid directions, this application is finally disposed of.

Order Date :- 22.2.2021 Atul kr. sri.