

Shabbir Husain vs The State Of Madhya Pradesh on 22 February, 2021

Author: Mohammed Fahim Anwar

Bench: Mohammed Fahim Anwar

1

The High Court Of Madhya Pradesh
MCRC-8295-2021

(SHABBIR HUSAIN Vs THE STATE OF

Jabalpur, Dated : 22-02-2021

Shri Manish Datt, learned Senior Advocate a

Nagori, learned counsel for the applicant.

Shri Atul Dwivedi, learned Panel Lawyer for

Heard. Case diary perused.

This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant, as he has been arrested in connection with Crime No.77/2021, registered at Police Station City Kotwali, Khandwa, District Khandwa for commission of offence punishable under Sections 420, 269, 272 and 273 of the IPC and Sections 51, 54, 56, 57 and 59 (1) of the Food Safety and Standards Act, 2006.

The case of the prosecution is that, an information was received by the Police that at Tadi Khana, under the jurisdiction of Police Station City Kotwali, in a tinny factory artificial/substandard spices are being made by means of adulteration. On the basis of the said information, the said premises was raided on 29.01.2021; wherein, co-accused Hiralal was found to be involved in mixing rice and chemical colour in the packet of turmeric and other the spices, which are harmful for the human consumption. He was not in possession of any valid and effective licence to run the said factory. He was taken into custody on 29.01.2021. On interrogation he has revealed the name of applicant as the owner of the factory under whom he was working as a labour. On that basis, above mentioned crime against the applicant and other co-accused persons has been registered.

Learned counsel for the applicant submitted that the applicant is innocent, has not committed any offence and has falsely been implicated in the crime. It is further submitted that the applicant has been made accused on the basis of memorandum of co-accused Hiralal. The applicant is also registered under the provisions of GST and the seized articles were 2 MCRC-8295-2021 purchased by the applicant from some other vendors. It is also submitted that the applicant is a permanent resident of the address shown in the application. He is ready and willing to furnish adequate surety and shall abide by all terms and conditions imposed upon her. There is no chance of his absconding or tampering with the prosecution witnesses. He is in judicial custody since 29.01.2021. In view of

aforesaid, it is prayed that applicant be released on bail.

Learned Panel Lawyer for the respondent/State on the other hand has vehemently opposed the application.

Keeping in view the facts and circumstances of the case in their entirety, particularly the facts as pointed out by the learned counsel for the applicant, period of his detention (since 29.01.2021) and also the exigency of 'COVID19' disease, this application is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- (Rupees thirty thousand only) with one solvent surety of the like amount to the satisfaction of the trial Court. The applicant shall abide by the conditions as enumerated under Section 437(3) of the Cr.P.C.

In view of the spread of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issued by the Government of India with regard to COVID-19 before releasing the applicant.

This application stands allowed and disposed of. C.C., as per rules.

(MOHD. FAHIM ANWAR) JUDGE taj