

# **Prakash Kumar Agarwal vs The State Of Jharkhand And Others on 11 August, 2023**

**Author: Sanjay Kumar Dwivedi**

**Bench: Sanjay Kumar Dwivedi**

IN THE HIGH COURT OF JHARKHAND, RANCHI

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W.P.(Cr.) No. 560 of 2023

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1.Prakash Kumar Agarwal

2.Anup Kumar Agarwal

3.Nitesh Kumar Agarwal @ Nitesh Agarwal

4.Suraj Agarwal

5.Raunak Agarwal .... Petitioners

-- Versus --

The State of Jharkhand and Others .... Respondents

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CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

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For the Petitioners :- Mr. Amit Kumar Tiwari, Advocate For the State :- Mr. Jai Prakash, AAG (A1)  
Mr. Yogesh Modi, Advocate

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2/10.08.2023 The learned counsel for the petitioners submits that the police has raided the premises in absence of any search warrant etc. He submits that the police all of sudden entered into the house of the petitioners and assaulted the persons therein and even the ladies has not been spared. He submits that allegation in the F.I.R is made that they found that certain green spices

were found to be there and that was adulterated and the said spices were seized. He submits that he has already applied for certified copy of the seizure list. He further submits that in absence of any authorized person under the Food Safety and Standards Act, 2006, this has happened. He submits that under section 42 of the said Act only the authorized person and Food Safety Officer appointed or authorized under section 37 of the Act can draw the sample of the food and send the same for analysis. He submits that for the police atrocities, one of the lady member has also filed W.P.(Cr) No.531 of 2023.

2. In view of above, learned counsel for the respondent State shall take instruction and file counter affidavit within four weeks.

3. Till next date, no coercive steps shall be taken against the petitioners in connection with Chirkunda P.S.Case No.159 of 2023 pending in the court of learned Chief Judicial Magistrate, Dhanbad.

4. The petitioners shall cooperate in the investigation.

5. Let it appear on 29.9.2023.

( Sanjay Kumar Dwivedi, J.) SI/