

Navneet vs The State Of Madhya Pradesh on 16 February, 2024

Author: Vivek Rusia

Bench: Vivek Rusia

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE VIVEK RUSIA
ON THE 16th OF FEBRUARY, 2024
WRIT PETITION No. 26131 of 2023

BETWEEN: -

NAVNEET S/O MANOHARLAL JAIN, AGED ABOUT 37
YEARS, OCCUPATION: BUSINESS T/O. SURVEY NO. 444/2,
HALKA NO. 032, VILLAGE SODANG, THANA
BHERUGARH, TEHSIL GHATIYA DISTRICT UJJAIN
(MADHYA PRADESH)

(BY SHRI VIVEK SINGH, ADVOCATE.)

AND

1. THE STATE OF MADHYA PRADESH PRINCIPAL
SECRETARY FOOD SAFETY AND DRUG
ADMINISTRATION DEPARTMENT (MADHYA
PRADESH)
2. COLLECTOR DIST. UJJAIN (MADHYA PRADESH)
3. DESIGNATED OFFICER FOOD AND DRUG
ADMINISTRATION DEPARTMENT
ADMINISTRATION DEPARTMENT UJJAIN
(MADHYA PRADESH)
4. FOOD SAFETY OFFICER OFFICERS
MANISHKUMAR SHAWAMI, AND
PUSHPAKKUMAR DWIVEDI FOOD AND DRUG
ADMINISTRATION DEPARTMENT UJJAIN
(MADHYA PRADESH)

(BY SHRI SUDARSHAN JOSHI, GOVERNMENT ADVOCATE.)

This petition coming on for orders this day, the court
following:

ORDER

01. The petitioner has filed the present petition challenging the order dated 27.07.2023 whereby the application for release of Mava (Khoya), Ghee, Paneer, Curd, etc. to the petitioner subject to deposit of Rs.8,96,827.60 by way of demand draft or bank guarantee with the further condition that if in case third sample report from the Referral Food Laboratory received contrary to the standards laid down under Food Safety and Standards Act, 2006 then the amount of Rs.8,96,827.60 will be forfeited.

02. Shri Vivek Singh, learned counsel for the petitioner submits that such a condition is an arbitrary condition which is imposed beyond the provisions of Food Safety and Standards Act, 2006. If any sample is found contrary to the standards laid down the petitioner will face the consequences of it but forfeiture of this amount would result in double jeopardy, therefore, such an unreasonable condition has wrongly been imposed. It is further submitted that the goods seized from the dairy of the petitioner are perishable goods and if they are not released within time then, the petitioner will suffer irreparable loss.

03. Neither the counsel for the petitioner nor the Government Advocate for the respondent / State are having the current status of the case whether the report from the Referral Food Laboratory has been received or not. The petitioner is also not aware whether after the aforesaid order dated 27.07.2023 food items were released to the him or not and whether they are kept in a safe custody or not.

04. It is correct that without mentioning any provisions, such an unreasonable condition has been imposed on the petitioner for release of these perishable goods. If any adverse report comes against the petitioner, he will face prosecution but forfeiture of the amount would result in double jeopardy.

05. In view of the above, order dated 27.07.2023 is quashed so far it relates to deposit of Rs.8,96,827.60 by way of demand draft or bank guarantee.

06. With the aforesaid, Writ Petition stands disposed of.

(VIVEK RUSIA) JUDGE Divyansh