

# Sanjay Kumar Gupta vs The State Of Bihar Through The ... on 3 November, 2022

**Author: Rajeev Ranjan Prasad**

**Bench: Rajeev Ranjan Prasad**

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.407 of 2017

Arising Out of PS. Case No.-45 Year-2016 Thana- BATHNAHA District-

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Sanjay Kumar Gupta Son of Late Swaminath Gupta, Resident of Mohalla-  
Court Bazar, Sitamarhi, P.S.- Sitamarhi, District- Sitamarhi.

... .. P

Versus

1. The State Of Bihar Through The Superintendent Of Police, Sitamarhi
2. The Officer- Incharge, Bathana P.S., District- Sitamarhi.
3. The Superintendent of Excise, Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate

For the Respondent/s : Mr. Vikas Kumar, SC 11

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

8 03-11-2022

Heard Mr. Vikas Kumar, learned SC 11 for the State. Learned counsel has opposed this application.

In course of argument, although this Court called upon learned counsel to demonstrate from the case diary that the petitioner has passed on any of the manufactured bottles having the FSSAI level of united spirits, learned counsel submits that in the case diary there is no such finding. He has, however, submitted that mentioning of wrong FSSAI number would be covered under the definition of misbranded food under Section 3 clause (zf) of the Food Safety and Standards Act, 2006. Learned counsel accepts that the chargesheet against this petitioner has been submitted only under the provisions of the IPC.

Patna High Court CR. WJC No.407 of 2017(8) dt.03-11-2022 Learned counsel for the petitioner has cited the judgment in the case of Sushil Sethi and Another versus State of Arunachal Pradesh and Others reported in (2020) 3 SCC 240 (paragraph 7.5 to 8.2) to submit that the petitioner would have no vicarious liability for the offence, if any, committed by the company. It is his submission that in this case, the company is not being prosecuted as no chargesheet has been filed against the company.

Since learned counsel for the parties have concluded their arguments, list this case for judgment on 10<sup>th</sup> November, 2022.

In the meantime, if so advised, learned counsel may file their respective notes of arguments.

(Rajeev Ranjan Prasad, J) SUSHMA2/-

U Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.