

Vikas Kumar @ Vikash Kumar Singh vs The State Of Bihar Through The Director ... on 13 March, 2023

Author: Anshuman

Bench: Anshuman

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.234 of 2020
Arising Out of PS. Case No.-573 Year-2019 Thana- PATLIPUTRA Distri
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Vikas Kumar @ Vikash Kumar Singh

... .. Petit

Versus

The State Of Bihar Through The Director General Of Police, Patna & Ors.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Singh, Sr. Adv. wit
Mr. Rohitabh Das, Adv.

For the Respondent/s : Mr. Saroj Kumar Sharma, (Ac to Aag)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 13-03-2023

Learned senior counsel Mr. Jitendra Kumar Singh alongwith Mr. Rohitabh Das, counsel for the petitioner and counsel for the State appeared.

Learned senior counsel submits that the said F.I.R. itself is not maintainable and entertainment of this F.I.R. by the police and his interference in the Food Safety and Standards Act, 2006 (34 of 2006) read with Food Safety and Standards Rules, 2011. Learned counsel further submits that investigation has been completed and final form has come. From counter affidavit which has been served upon counsel for the petitioner, it transpires that final form have been submitted but observation have been made by Superintendent of Police, Patna that further action may be taken under Section 173(8) of the Cr.P.C. if material shall be found against the petitioner in this case. Patna High Court CR. WJC No.234 of 2020(5) dt.13-03-2023 Let the Superintendent of Police, Patna is directed to file an affidavit after going through the said Food Safety and Standards Act, 2006 (34 of 2006) read with Food Safety and Standards Rules, 2011, particularly, when there is a separate procedure laid down under law, then how he can justify the filing and entertainment of the F.I.R. itself. At least the Superintendent of Police, Patna being the high officials must have the knowledge of the same. As such, an opportunity is hereby given to the Superintendent of Police, Patna that he shall justify the filing of the F.I.R. under Food and Safety law against the petitioner

and others and if he found that entertainment of F.I.R. is not correct step, then he shall come to this Court with the steps which is necessary to be taken against the erring officials.

Let the Superintendent of Police, Patna be filed his detailed counter reply in this regard within 4 weeks from today. Interim protection shall continue.

Put up this case on 10.04.2023.

(Dr. Anshuman, J.) sadique/-

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