

Pappu Kumar vs The State Of Bihar on 11 September, 2024

Author: Anjani Kumar Sharan

Bench: Anjani Kumar Sharan

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57899 of 2024
Arising Out of PS. Case No.-1 Year-2020 Thana- FOOD AND SAFETY (GOVERNMENT
OFFICIAL) District- Sheohar

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PAPPU KUMAR SON OF SRI GAURI SHANKAR PRASAD RESIDENT
OF MOHALLA - ZERO MILE CHOWK, WARD NO. 10, P.S. - SHEOHAR,
DISTRICT - SHEOHAR

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. THE DESIGNATED OFFICER, FOOD SAFETY ADMINISTRATION,
SHEOHAR BIHAR

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Madhubala Verma, Adv.
For the Opposite Party/s : Mr. Mohammed Arif, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-09-2024

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 59 (iii) of the Food Safety and Standard Act 2006.

3. Allegation against the petitioner is that he has violated the Food Safety and Standards norms in his sweets shop running under the name of M/s New Raja Sweets, Zero Mile Chowk, Sheohar.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. Patna High Court CR. MISC. No.57899 of 2024(2) dt.11-09-2024 He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is no contravention of Section 26 (2) (i) of the Food Safety and Standard Act, 2006 as the petitioner always sells good quality and hygienic sweets in his shop. Learned counsel further submits that the learned court below took cognizance against the petitioner in the year 2022, whereas the Designated Officer took some sweets and Laddu for the analysis in the year 2019. It is

further submitted that so far no one has had any problem due to consumption of the sweets of the petitioner's shop. Only on the basis of analysis of sample, the prosecution cannot be launched under Section 59(iii) of the FSS Act, 2006. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as petitioner has no criminal antecedent of similar nature that of the present case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the Patna High Court CR. MISC. No.57899 of 2024(2) dt.11-09-2024 satisfaction of the learned Court below where the case is pending/successor Court in connection with Food Safety and Standard Act Case No. 01 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J) divyanshi/-

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