

# Abhishek Goswami vs The State Of Madhya Pradesh on 4 May, 2021

**Author: Vivek Rusia**

**Bench: Vivek Rusia**

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE  
SINGLE BENCH : HON. SHRI JUSTICE VIVEK RUSIA, JUDGE  
MCRC-18599-2021  
(ABHISHEK GOSWAMI Vs THE STATE OF MADHYA PRADESH)

Indore, Dated : 04-05-2021  
Heard through Video Conferencing.

Shri Shivendra Pandey, learned counsel for the applicant.  
Shri Rakesh Singh Bhadoria PL for the respondent /State.

This is the first bail application filed under Section 439 Cr.P.C. by the applicant in connection with Crime No.83/2021 registered at Police Station - Bank Note Press, Dewas for the commission of offence punishable under Sections 420, 269, 272, 273, of IPC and sections 26(2)

(i), 26(2)(ii). 51, 59 of Food Safety and Standards Act. 2006 As per the prosecution story, on 30/01/2021, the police intercepted the vehicle bearing registration no. MP-41-LA-2811 loaded with milk cans. This applicant was found in the vehicle along with the driver, who disclosed his name as Dilip Rathore and the present applicant disclosed his name as Abhishekh Goswami. Prima facie, the police found the milk to be adulterated. Accordingly, they were arrested and their memo under sections 27 of the Indian Evidence Act was recorded. In their memo, they disclosed that Rakesh Giri Goswami is having a dairy and from where these cans were loaded. The police searched the premises of Rakesh Giri and seized chemical and milk. Samples were taken and sent to FSL, Bhopal. After receiving the report, the police filed the charge sheet.

Learned counsel for the applicant submits that Rakesh Giri is doing business of milk in the name "Shri Milk Corner" and got registered under the Shop and Establishment Act. So far as adulteration is concerned, FSL report is on record, in which, none of the chemical as alleged i.e. Nitrate and Glucose chemical, were found in the milk. As per the report dated 12/02/2021, the milk was found to be sub-standard only. He further submits that the applicant is not the owner of the milk.

He happens to be a relative of Rakesh Giri. The investigation is over and challan has been filed. There is no complainant in this case to lodge a report of cheating under section 420 of IPC. The rest of the offences are bailable offences. In such circumstances, learned counsel prays that the applicant be released on bail.

Prayer is opposed by the learned Public Prosecutor stating that the food analysis report of the milk is only found to be sub-standard. No chemical has been found in the milk.

Case-diary perused.

Considering the facts and circumstances of the case and the arguments advanced by the counsel for the parties, without commenting on the merit of the case, the application is allowed. The applicant is directed to be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- ( Rs. Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial and he shall also abide by the conditions enumerated under section 437(3) Cr.P.C.

Before releasing the applicant from custody, the jail authorities are directed to medically examine him in order to rule out the possibility of COVID -19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

C.c as per rules.

(VIVEK RUSIA) JUDGE amol