

Manas Kumar Rout vs State Of Odisha Opposite Party on 3 December, 2024

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11214 of 2024

Manas Kumar Rout

.....

Petitioner

Represented By
Mr. S.K. Lenka, Advocate

-versus-

State of Odisha

.....

Opposite Party

Represented By
Mr. T.K. Acharya, A.S.C.

CORAM:

THE HON'BLE MR. JUSTICE ANANDA CHANDRA BEHERA
ORDER

Order No.

03.12.2024

02. 1. This matter is taken up through Hybrid Arrangement
(Virtual /Physical Mode).

2. This bail application under Section 483 of BNS, 2023 filed by the petitioner has arisen out of G.R. Case No.1231 of 2024 in connection with Jagatpur P.S. No.515 of 2024 pending in the court of learned J.M.F.C.(R), Cuttack for the offence under Sections 318(2)/ 318(4) /274/275/3(5) of BNS, 2023, Sections 51/52/53/59 of Food Safety and Standards Act, 2006 and Sections 33 and 36 of Legal Metrology Act, 2009 and Section 32 of Legal Metrology Packaged Commodity Rule, 2011 is taken up into consideration.

3. I have already heard from the learned counsel for the petitioner and learned Additional Standing Counsel for the State.

4. Learned counsel for the petitioner submitted that, the petitioner is in jail custody since 04.10.2024 having been implicated under Sections 318(2)/ 318(4) /274/275/3(5) of BNS, 2023, Sections 51/52/53/59 of Food Safety and Standards Act, 2006 and Sections 33 and 36 of Legal Metrology Act, 2009 and Section 32 of Legal Metrology Packaged Commodity Rule, 2011 on the allegations alleged against him (petitioner) that, he (petitioner) being associated with his co-accuseds, namely, Rupak Kumar Mohapatra, Saroj Kumar Mishra and Ajit Kumar Jena was manufacturing adulterated substandard misbranded ghee in the manufacturing unit at Jagatpur.

5. Learned counsel for the petitioner submitted for liberal consideration of his bail contending that, the owner of the manufacturing unit, i.e., Saroj Kumar Mishra and Ajit Kumar Jena have been protected as per order dated 04.11.2024, passed by the Hon'ble High Court of Orissa in BLAPL No.11982 of 2024, i.e., not to be arrested by the police. He(petitioner) was working as a labourer on being engaged by the owners of the ghee manufacturing unit, i.e., Saroj Kumar Mishra and Ajit Kumar Jena and in the meantime, the investigation of the case has already been completed, to

which, learned Additional Standing Counsel for the State vehemently objected contending that, the petitioner being associated with his other co-accuseds was engaged in manufacturing adulterated duplicate ghee for the consumption of public and the said duplicate ghee was not fit for human consumption, for which, in these heinous allegations against the petitioner, he(petitioner) should not be allowed to go on bail.

6. It is forthcoming from the charge-sheet dated 01.12.2024 submitted by the Investigating Officer that, Saroj Kumar Mishra and Ajit Kumar Jena are the owners of the manufacturing unit at Jagatpur, wherein, the preparation of adulterated misbranded ghee was going on and when it has been specifically indicated in the charge-sheet that, the petitioner was working in the said unit on being engaged by the owners of the manufacturing unit, i.e., Saroj Kumar Mishra and Ajit Kumar Jena and when the owners of the manufacturing unit, i.e., Saroj Kumar Mishra and Ajit Kumar Jena have got interim protection by the Hon'ble High Court of Orissa , i.e., not to be arrested by the police and when the petitioner is in custody since 04.10.2024, then, at this juncture, by taking the above factors into account, I find no justification to disallow the prayer for bail of the petitioner.

7. For which, instead of rejecting the bail application of the petitioner, it is felt proper to allow him (petitioner) to go on bail with stringent conditions looking to the interest of the prosecution.

8. Therefore, the bail application of the petitioner is allowed.

9. He (petitioner) is allowed to go on bail on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter with conditions that :-

(i) He (petitioner) shall not involve with similar nature of crime in future.

(ii) He shall appear before the court personally on each date of adjournment of the case without fail, but, in case of his failure to comply any of the aforesaid conditions, the learned trial court is authorized to cancel his bail application outrightly without seeking any permission from this Court for the same.

10. Accordingly, the bail application of the petitioner is disposed of finally.

11. Grant certified copy of this order to the petitioner on proper application.

(A.C. Behera) Judge Jagabandhu Designation: Personal Assistant