

Sanjay Kumar Puwar @ Sanjay Puwar vs State Of U.P. And Another on 25 November, 2022

Author: Raj Beer Singh

Bench: Raj Beer Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 7974 of 2021

Applicant :- Sanjay Kumar Puwar @ Sanjay Puwar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Vimlendu Tripathi, Chhaya Gupta, Rajendra Kumar Singh, Sujeet Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The present application has been moved seeking anticipatory bail in Complaint Case No. 683 of 2020, under Sections 26(1), 26(2)(v)(i)(iii), 31(1) read with Section 3(1)(zz)(v)(ix) and Section 58, 59(iii) and Section 63 of Food Safety and Standards Act, Police Station Kotwali Rath, District Hamirpur with the prayer that in the event of arrest, applicant may be released on bail.

It has been argued by the learned counsel for the applicant that applicant is innocent and he has an apprehension that he may be arrested in the above-mentioned case, whereas there is no credible evidence against him. Learned counsel submitted that applicant has been summoned in a complaint case. According to prosecution version, on 18.09.2018 some sample of pulse were taken from the shop of applicant, which after examination was found of sub-standard. Learned counsel submitted

that as per version of complainant, the said samples were taken from one Sanjay Gupta but no person of such name is working at the shop of applicant. Referring to the facts of the matter, it was submitted that the samples have not been taken in accordance with law and rules. It was further submitted that alleged incident has been shown of 18.09.2018 and the complaint was filed on 27.06.2020 and that the complaint is barred by period of limitation prescribed under Food Safety and Standards Act. Applicant has no criminal antecedents. It has been stated that in case, applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate during trial and would obey all conditions of bail.

Learned A.G.A. has opposed the application for anticipatory bail.

It may be stated that in case of *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

In the instant case, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merit of the case, a case for anticipatory bail is made out.

The anticipatory bail application is allowed.

In the event of arrest of the applicant Sanjay Kumar Puwar @ Sanjay Puwar in the aforesaid complaint case, he shall be released on anticipatory bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the court below concerned with the following conditions :-

(i) the applicant shall appear before the court below on the date fixed by that court and he shall not seek unwarranted adjournments and would co-operate in trial;

(ii) the applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court;

(iii) the applicant would co-operate during trial and would not misuse the liberty of bail.

In default of any of the conditions, the complainant/prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

Order Date :- 25.11.2022 Anand