

Arun Kumar Sahoo @ vs State Of Odisha Opp. Parties on 24 August, 2021

Author: S.K. Sahoo

Bench: S.K. Sahoo

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1664 of 2021

1. Arun Kumar Sahoo @
Rinku
2. Bikranta Sahoo @ Ricky Petitioners

Mr. A. Tripathy, Advocate

-versus-

State of Odisha Opp. Parties

Mr. S.S. Pradhan,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO
ORDER

Order No. 24.08.2021

04. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

This is an application under section 439 of Cr.P.C. in connection with Madhupatna P.S. Case No.279 of 2020 corresponding to G.R. Case No.1560 of 2020 pending in the Court of learned J.M.F.C. (City), Cuttack for alleged commission of offence under sections 417/420/272/273/34 of the Indian Penal Code and sections 51/52/53/59 of the Food Safety and Standard Act, 2006 and sections 33/36 of the Legal Metrology Act, 2009 read with section 32 of the Legal Metrology Packaged Commodity Rule, 2011.

The bail application of the petitioners has been // 2 // rejected by the learned 1st Additional Sessions Judge, Cuttack as per order dated 09.02.2021.

Learned counsel for the petitioners submits that the samples were collected during the course of raid conducted on 22.12.2020 by the I.I.C., Badambadi police station and his team in the Tomato Sauce manufacturing unit situated at Netaji Nagar near Hanuman Temple, Cuttack and the chemical examination report indicates that all the items conformed to the prescribed standards under the Food Safety and Standard Act, 2006 and only the samples required proper labeling as per Food Safety and Standards (Packing and Labelling) Regulations, 2011. He further submitted that the

one Bulu Sahoo is the tenant of the house in which the preparation of the food products was going on and the petitioners are the workers and they have been falsely entangled in this case and they are in judicial custody since 22.12.2020 and therefore, the bail application of the petitioners may be favourably considered.

Learned counsel for the State, on the other hand, submitted that the petitioners are nephews of the tenant Bulu Sahoo, who was found absent when the raid was conducted and the petitioners were present in the house in question. Learned counsel for the State also filed a report of the Food Analyst of the Government of Odisha, which indicates that the samples of Soya Sauce, Chilli Sauce, Tomato Sauce, // 3 // Masala Powder, Dal Tadka, Coriander Powder, Cumin Powder conformed to the prescribed standard under the Food Safety and Standard Act, 2006 based on the test performed, but the samples required proper labeling as per Food Safety and Standards (Packing and Labelling) Regulations, 2011 and so far as the colour is concerned, the sample is a non-permitted food colour. It is further stated that as per the Food Safety and Standard Act, 2006, Rules and Regulations, 2011, absence of batch number and details of manufacturing/packaging is in violation of the Packing and Labelling Regulations, 2011 and the same comes under mis-branded category.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation, the report of Food Analyst produced by learned counsel for the State and further taking into account the period of detention of the petitioners in judicial custody, I am inclined to release the petitioners on bail.

Let the petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with such other conditions as the learned Court may deem just and proper including the conditions that the petitioners shall not indulge in any // 4 // criminal activities and they shall appear before the learned trial Court on each date to which the case would be posted for trial. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of. Issuer urgent certified copy as per Rules.

(S.K. Sahoo) Judge Jagabandhu