

Rounak Sinha vs State Of Bihar on 25 March, 2022

Bench: Chief Justice, S. Kumar

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2203 of 2022

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Rounak Sinha, S/o Sri Arvind Kumar Sinha, Permanent Resident of Sahangi, Bohjpur, Bihar 802203, Temporary Resident of Mahendrapuram Apartment, Block A, House No. N4, Patna, Bihar 800011.

... .. Petitioner/s

Versus

State of Bihar, through the Additional Chief Secretary cum Food Safety Commissioner, Health Department, Government of Bihar, 1st Floor, Vikas Bhawan, Bailey Road, Patna 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rounak Sinha (In Person)

For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 25-03-2022

Petitioner has prayed for the following relief(s):-

"i. For the issuance of a writ of mandamus, and/or, any other appropriate writ/direction/order commanding the respondent no. 1 to impose the complete prohibition in the manufacture, storage, distribution, transportation, display or sale of any type of Gutkha and Pan Masala containing tobacco and/or nicotine.

ii. For the issuance of writ of mandamus and/or, any other appropriate writ/direction/order commanding the respondent no. 1 to impose the complete prohibition on chewing tobacco, pure tobacco, Khaini, Kharra scented tobacco/Flavoured tobacco or by whatever name locally it is called packed in sachets/pouches/package in the State of Bihar."

On 25.02.2022, we had passed the following order:-

"Shri Vikash Kumar has placed on record order dated 23.02.2022

, whereby manufacture, storage, distribution, transportation, display or sale of any type of Gutkha and Pan Masala, containing tobacco and/or nicotine, whether packaged or unpackaged, stands prohibited within the State of Bihar.

List on 25.03.2022, as prayed for."

The order dated 23.02.2022 issued by the Commissioner of Food Safety, Bihar reads as under:-

In this view of the matter, learned counsel for the Patna High Court CWJC No.2203 of 2022 dt.25-03-2022 petitioner states that he shall approach the competent authority, under the provisions of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 as also the Food Safety and Standards Act, 2006, venting out the surviving grievances enabling the authority to take an appropriate decision in this regard.

Statement accepted and taken on record. Instant petition is disposed of in the aforesaid terms reserving liberty, as aforesaid.

We only hope and except that the appropriate authority dealing with the issue, shall take a decision at the earliest and preferably within a period of three months thereafter.

Copy of the decision assigning reasons shall be supplied to the petitioner, who is at liberty to pursue the matter, if the need so arises.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ) (S. Kumar, J) Sujit/Ashwini AFR/NAFR CAV DATE Uploading Date 28.03.2022 Transmission Date