

Abhishek Kumar Gupta vs State Of U.P.And Another on 10 April, 2023

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 73

Case :- APPLICATION U/S 482 No. - 35055 of 2022

Applicant :- Abhishek Kumar Gupta

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Jitendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Shiv Shanker Prasad,J.

Counter affidavit on behalf of the State and rejoinder affidavit on behalf of the applicants filed today are taken on record.

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

This application under Section 482 Cr.P.C. has been filed by the applicant to quash the summoning order dated 05.08.2016 and order dated 29.07.2022, whereby non-bailable warrants have been issued against him as well as entire proceedings of Case No. 1723 of 2019 (State Vs. Abhishek Kumar Gupta), under Sections 58 and 59(iii) of the Food Safety and Standards Act, 2006, pending in the court of Additional Sessions Judge, Court No.12, Allahabad.

At the very outset learned counsel for the applicant gave up his challenge to the aforesaid impugned summoning order and entire proceedings of criminal case against the applicant and confined his submission requesting to grant some protection to the applicant to surrender before the concerned court below. The learned counsel for the applicant further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the

concerned courts below to consider and decide the bail application of the applicant, expeditiously.

Learned A.G.A. for the State of U.P. submits that in case the applicant is not pressing the relief as sought for by them on merits and want to surrender before the concerned court below, he has no objection in granting protection to them for a short period.

In view of above, considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned court below within six weeks from today and in case apply for bail, the bail application of the applicant shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of Satender Kumar Antil vs. Central Bureau of Investigation and Another, reported in (2021) 10 SCC 773.

For the period of six weeks from today or till the time of surrender of the applicant before the concerned court below, whichever is earlier, he shall not be arrested in the above case.

With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

Order Date :- 10.4.2023 Abhishek Singh