

Simanchala Patro vs State Of Odisha Opposite Party on 9 July, 2024

Author: Aditya Kumar Mohapatra

Bench: Aditya Kumar Mohapatra

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4929 of 2024

Simanchala Patro

.....

Petitioner

Represented By Adv. -
Jyotirmaya Sahoo

-versus-

State Of Odisha

.....

Opposite Party
Represented By Adv. -
S.S.Mohapatra, A.S.C.

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA
ORDER

09.07.2024 Order No.

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

2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel appearing for the Opposite Party-State.

3. The present application has been filed under Section 438 of Cr.P.C. by the Petitioner seeking pre-arrest bail in connection with Berhampur Sadar P.S Case No.174 of 2024, corresponding to G.R. Case No.654 of 2024, pending in the court of learned J.M.F.C.(R)(Cog.), Berhampur, for alleged commission of offences punishable under Sections 420 / 272 / 273 / 34 of I.P.C, r/w Section 51 / 52 / 53 / 56 / 57 / 59 / 63 of Food Safety and Standard Act, 2006 and Section 16 of Prevention of Food Adulteration Act, 1954.

4. It is stated by the learned counsel for the petitioner that the petitioner is having soft drink unit. He further contended that initially the petitioner was granted a license under the Food Safety and Standard Act. However, such license was valid till August, 2023. Thereafter, although the petitioner has applied for renewal of license, the license has not been renewed. In the meantime, the police seized the products of the unit which has been taken out of the unit for the purpose of sale. Thus an allegation has been made against the petitioner for violation of the provisions of FSSAI Act, 2006 and PFA Act, 1954. Learned counsel for the petitioner submitted that the petitioner does not have any criminal antecedent and he belongs to the locality. In such view of the matter, learned counsel

for the Petitioner submitted that the Petitioner be released on bail on such terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned counsel for the State on the other hand objected to the release of the petitioner on bail on the ground that the petitioner inclined to same products without having any license to sell such products. Therefore, the same is a clear violation of the respective statutes.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant pre-arrest bail to the Petitioners. However, it is directed that in the event the Petitioners surrender before the Court in seisin over the matter within a period of four weeks from today and move an application for bail, the Court in seisin over the matter shall release them on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper in the facts and circumstances of the case.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra) Judge Rubi Location: High Court of Orissa, Cuttack