

Aqeel Ahmed vs The State Of Madhya Pradesh on 22 December, 2021

Author: Vivek Rusia

Bench: Vivek Rusia

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The High Court of Madhya Pradesh : Bench At Indore
M.Cr.C. No.57297/2021
Aqeel Ahmed v/s The State of Madhya Pradesh
Indore, dated 22.12.2021
Shri Gaurav Shrivastava, learned counsel for the applicant.
Ms. Mamta Shandilya, learned Government Advocate for
the respondent / State.

ORDER

This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for apprehension of arrest in connection with Crime No.531/2021, registered at Police Station - Neemuch Cant., District - Neemuch for the offences punishable under Sections 420, 272 and 273 of the Indian Penal Code.

The facts of the case are as under:-

One Yashwant Kumar Sharma has lodged an F.I.R.

bearing No.0531/2021 on 13.10.2021 against the applicant and firm of proprietor under aforesaid sections. As per contents of the F.I.R., on 13.10.2021, police found a truck bearing No.MP 14 GB 0842 loaded with 132 bags containing 6148 kg of coriander. The driver has disclosed that the aforesaid truck was loaded from the firm namely Shyam Food Product, Shamgarh, District - Mandsaur. The police reached to the spot and found some manufacturing activities. The sample was taken and sent to the Food Analyst. A report dated 25.06.2021 has been received according to which, samples were misbranded as the sale of powder spice without packaging and labeling is prohibited.

Learned counsel for the applicant submits that the applicant is nowhere involved in this offence. He is neither the owner of the truck, nor proprietor of the said firm. He has unnecessarily been made accused in this case. The firm is registered in the name of his son Arman Mansoori. He has filed the registration certificate issued by the Government of Madhya Pradesh, Food and Drug Administration Department which

is valid up to 25.07.2026. Hence, he prays for anticipatory bail.

Learned Government Advocate for the respondent / State opposes the bail application. She submits that another sample were taken and sent to Preferal Food Laboratory, Mysore and as per the report dated 26.09.2021, the sample is found unsafe under the Food Safety and Standard Act, 2006.

The offence under Sections 272 and 273 of the IPC are bailable and Section 420 is triable by Magistrate with no minimum sentence as provided. Even otherwise, there is no complainant who has alleged that the present applicant cheated or misbranded the food articles. The applicant was served with the notice by the Food Safety Officer and he is co-operating with the investigation.

Considering the facts and circumstances of the case, without commenting on the merits of the case, the bail application is allowed. It is directed that in the event of arrest of the applicant

- Aqeel Ahmed S/o Imam Baksh in connection with the aforesaid crime number shall be released on bail upon his furnishing personal bond in the sum of Rs.40,000/- (Rupees Forty Thousand Only) with one surety in the like amount to the satisfaction of the arresting officer. This order shall be governed by the following conditions:

(a) the applicant shall co-operate with the investigation and make himself available for interrogation by a police officer as and when required;

(b) he 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 from disclosing such facts to the Court or to any police officer;

(c) If the applicant is found involved in any criminal case of the same nature during this bail period, this order granting the benefit of anticipatory bail shall be liable to be cancelled;

(d) he shall not leave the territory of India without the prior permission of the Court.

(VIVEK RUSIA) JUDGE Ravi Date: 2021.12.23 10:33:38 +05'30'