

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46641 of 2015

Arising Out of PS.Case No. -44 Year- 2012 Thana -PURNEA SADAR District- PURNIA

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Shiv Shankar Agrawal Son of Late Mahavir Prasad Agrawal resident of
Amilal Dhanothiwalla Road Naya Bazar, Silliguri, P.S. Silliguri, Distt. -
Darjeeling (West Bengal)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Veena Kri.Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 03-12-2015 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor, for the State.

The petitioner prays for anticipatory bail in a
police case under Sections 419, 420, 307/34 of the Indian Penal
Code and Section 26 of the Food Safety and Standard Act, 2006.

It is submitted by learned counsel for the
petitioner that the only allegation is regarding recovery of a truck
in which it is stated that adulterated Dalda and Refined Oil were
loaded at Pologram, Gulabbagh, Purnea and on information the
police arrived and seized the truck in question and instituted the
present case. It is submitted by learned counsel that the entire
case has been filed completely ignoring the provisions of the

Food Safety and Standards Act, 2006 which alone covers the case and there was no occasion for adding any other provisions in the FIR like Sections 419, 420 307/34 of the Indian Penal Code and in particular Section 307 IPC as there is no such allegation found in the FIR with regard to the same. It is also pointed out by learned counsel that application of Section 26 of the Food Safety and Standards Act, 2006 is wholly misconceived as it is not a penal provision. It is also pointed out that the petitioner has no criminal antecedent.

On a consideration of the facts and circumstances of the case, it is directed that the petitioner Shiv Shankar Agrawal in the event of his arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each in connection with Purnea Sadar P.S.Case No. 44 of 2012 to the satisfaction of the Chief Judicial Magistrate, Purnea, subject to the other conditions laid down under Section 438 (2) Cr. P.C.

(Ramesh Kumar Datta, J)

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