

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36940 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- BHOJPUR

=====

1. Bimal R.Thakkar, Managing Director, ADF Foods Limited, 83/86 GIDC
Industrial Estate, Nadiad- 387 001, Gujarat

.... Petitioner/s

Versus

1. The State of Bihar,
2. Civil Surgeon-Cum-Chief Medical Officer, Bhojpur (Ara)
3. Sri Rajendra Prasad, Food Inspector

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bibhuti Kumar Pandey, Sr. Advocate with
Mr. Rohitabh Das, Advocate

For the Opposite Party/s : APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2015

1. The Petitioner seeks quashing of the order of cognizance dated 21.05.2009 passed by the Chief Judicial Magistrate, Bhojpur, Ara, in Complaint Case No. 12(O) of 2009.

2. The case of the Food Inspector, Bhojpur, is that he had collected samples of Ashirvad Haldi Powder from Ranjit Kirana and sent it to Public Analyst. The report was that sample of Haldi does not confirm to the prescribed standard due to containing lead chromate, so, it was adulterated.

3. Submission of the Petitioner is that the article which was seized was numbered as Batch No. BN-211. It appears that even though the brand was owned by the ITC Ltd, it was manufactured at two units and Batch No. A was produced by ADF

Food Ltd. i.e. the present Petitioner, Batch No. B was produced by S. P. Edible Products Pvt. Ltd., Hyderabad. Since Batch No. B-211 was seized, evidently it was not the Petitioner but S. P. Edible Products Pvt. Ltd., Hyderabad, was to be prosecuted.

4. In view of such, the matter is remanded to the Court below, who shall summon the Food Inspector, Bhojpur, Ara, as to how the Petitioner was named in the Complaint Petition and ask him with regard to aforesaid submission. If the Food Inspector corroborates the submission so raised on behalf of the Petitioner, he shall drop the proceeding where the present Petitioner is concerned.

5. The Food Inspector shall be at liberty to prosecute the other unit, if the submission of the Petitioner is correct.

6. The application stands disposed off with the aforesaid observation.

7. Let the samples and the lower court records be returned to the Court below immediately.

(Anjana Prakash, J)

JA/-

U		T	
---	--	---	--