

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31673 of 2015

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

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Bimal Saha @ Bimal Chandra Saha S/o Late Umesh Chandra Saha Resident
of Amilal Dhanothiwalla Road, Naya Bazar, P.S. Silliguri, District
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. Agarwal, Sr. Advocate.
Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s : Mr. R.S.Choudhary (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-08-2015 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner apprehends his arrest in connection
with Sadar P.S. Case No. 44 of 2012 registered for the offences
punishable under Sections 419, 420, 307/34 of the Indian
Penal Code and Section 26 of the Food Safety and Standard
Act, 2006.

Learned Sr. Counsel for the petitioner submits that
the entire prosecution, launched against the petitioner, is
wholly misconceived as it is not in accordance with the
provision of Food Safety and Standard Act, 2006 under which,
the present prosecution has been drawn. It is further submitted
that the goods, in question, were transported from Siliguri and
thereafter, it was seized at Purnea and the same was tested. No
copy of the seizure list was ever supplied to the petitioner. It is

further submitted that so far as provision of the Act is concerned, the procedure for launching prosecution has been made under Section 42 of the Act which has been ignored in the present case.

Considering the aforesaid submissions and also the fact that there is procedure prescribed for same and which does not appear to have been followed in the present context, let the petitioner, in the event of his arrest or surrender before the Court below within a period of three weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Sadar P.S. Case No. 44 of 2012, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

Jagdish/-

(Anjana Mishra, J)

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