

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 2120 of 2015**

Arising Out of Complaint Case No.- B-III-19/11 Year-2011 Thana- PURNEA COMPLAINT  
CASE District- Purnea

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Anil Kumar Modi Son of Late Swarika Prasad Modi @ Dwarika Prasad Modi, Resident of Gulmarg Market, Bhatta Bazar, Khiru Chowk, Purnea, P.S.-K.Hat, District-Purnea, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate  
For the State : Mr. Ashok Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

ORAL ORDER

9      01-05-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Pursuant to the earlier orders, a counter affidavit  
has been filed by the opposite party no. 2.

3. The petitioner has moved the Court under Section  
482 of the Code of Criminal Procedure, 1973 for the following  
relief:

*“That this is an application for  
quashing the order dated 06.02.2014 passed by  
the Court of Sub-Divisional Judicial Magistrate,  
Purnea in Complaint Case No. B-III-19/11  
registered under Sections 16(1)A of Prevention of  
Food Adulteration Act, 1955 (hereinafter referred  
to as “PFA Act”) for reasons of violation of  
Section 2(ix) (j) and (k) of PFA Act read with  
Rule 32(b)(2)(iv) and Rule 32A and 37A of the*



*PFA Rules, 1955-refusing to discharge the petitioner on grounds that are non est in the eyes of law and is based on wrong appreciation of the facts and law.”*

4. After some arguments, learned counsel for the petitioner submitted that he may be permitted to withdraw the application.

5. In view thereof, the application stands dismissed as withdrawn.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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