

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38143 of 2019

Arising Out of PS. Case No.-1 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

Pradeep Kumar Sah @ Pradeep Sah, aged about 28 years (Male) S/O Gauri Sah Resident of Village and P.S.- Kishanpur, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 26(2)(i) and 59(iii) of the Food Safety and Standards Act, 2006 registered in connection with Memo No. 13/2018 Commissioner of Food Safety Bihar arising out of Excise No. 01/18.

3. It is submitted that the petitioner has been falsely implicated and even according to the report of the Food Analyst bearing no. 1183 dated 02.11.2017, the sample merely contained Metanil yellow a non-permitted synthetic colour which is prohibited by law and hence unsafe within the scope of Sec-3(zz)(v) of the Food Safety and Standards Act, 2006. However, a decision of this Court in *Rajeev Kumar Vs. State of Bihar reported in 2010(3) PLJR 120* is relied upon by the learned counsel to submit that there is nothing in the said report to indicate that yellow synthetic colour was injurious in nature and hence, the petitioner ought not to be prosecuted under the provisions of the said Act. The petitioner claims lean antecedents.



4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge Excise Supaul in connection with Memo No. 13/2018 Commissioner of Food Safety Bihar arising out of Excise No. 01/18, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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