

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17128 of 2020

Arising Out of PS. Case No.-792 Year-2019 Thana- JAKKANPUR District- Patna

JITENDRA KUMAR YADAV @ JITENDRA KUMAR Son of Kameshwar Ray @ Kameshwar Prasad Resident of Ward No. 25, Near Kanak Bridge Complex, Nageshwar Colony, Boring Road, P.S.- Shivpuri, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Srivastava

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jakkanpur P.S. Case No. 792 of 2019 for the offence punishable under Sections 272, 420 and 120(B) of the Indian Penal Code and Sections 1/2 (i) (ii) (iii), 4, 15 and 26 of the Food Security and Standard of India Act.

The case of the prosecution in brief is that the Food Security Officer on secret information conducted an inspection



in the vacant land and house adjacent to the south-west wall of the Patna Junction Railway Station on the Karbigahia side and found that duplicate food items were being prepared. From the place of occurrence, three persons were caught who stated that they were labourers and clerk of the petitioner. From the said premises huge quantity of Paneer, Ghee butter chemicals etc. were found and foul smell was coming from the said premises. It is also alleged that the factory was running without any license.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner, by referring to the arrest memo, has further submitted that the place of arrest, from where the food products have been seized, is situated at the vacant land besides the wall of the Karbigahia side of the Patna Junction Railway Station, hence, it is submitted that the petitioner cannot be saddled with the liability of the spurious food products inasmuch as the said vacant land does not belong to him.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also in the case diary, this Court finds that not only ample materials are available on record to show the complicity of the petitioner in the alleged crime but the seizure memo clearly shows that the aforesaid food products have been seized from the work shop of the petitioner herein, hence no sympathy can be shown in such cases, thus I do not find any merit in the present case. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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