

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24554 of 2020**

Arising Out of PS. Case No.-2 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gaya

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Manoj Kumar, Son of Ramchandra Prasad, Resident of Village - K.P. Lane,  
Near Mahadev mandir, P.S.- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sudha Chandra, Advocate  
For the Opposite Party/s : Mr. Uday Chandra Pd., A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      08-12-2020                      Heard learned counsel for the parties through Video Conferencing.

Petitioner apprehends arrest in a case registered for the offence punishable under Section 26(i)(ii) of the Food Safety and Standards Act, 2006, which is made punishable under Section 59(iii) of Food Safety and Standards Act, 2006.

As per the prosecution case, a sample of Aarahar Dal was taken by the informant which was sent for analysis to Food and Drug Laboratory, Agamkuan and subsequently, the same was found to be of sub-standard, as a result of which this complaint case was filed in the Court of Special Judge, Gaya on 23.11.2012. On the basis of the aforesaid complaint, Complaint Case No. 02 of 2013 was registered on 05.01.2013 in which



cognizance has been taken on 05.02.2013.

It is submitted on behalf of the petitioner that from bare perusal of the complaint, it is apparent that there is no victim and no one has sustained any injury. No mandatory requirements of law with regard to sampling has been complied with. Petitioner was never given any notice and behind the back, the so called report was obtained. It is further submitted that, though, the cognizance has been taken on 05.02.2013 but summons was issued up to 30.05.2015 and without there being any service report, on 07.09.2015 bailable warrant was issued and without requisition of the same, non-bailable warrant was issued by the Court below on 12.01.2016 and the same was issued on 17.07.2019 i.e., only when petitioner has come to know about the institution of criminal proceedings against him.

However, learned A.P.P. for State vehemently opposed the prayer for bail and submitted that there is allegation of selling of sub-standard Arahar Dal which does not confirm to the prescribed standard quality as laid down under the FSS Regulation, 2011.

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, prayer for bail of the petitioner is allowed. In the event of



arrest/surrender, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya in Criminal Complaint No. 2002 of 2013(O) arising out of Food Safety G.O. Case No. 02 of 2013(O), subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

Ankit/-

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