

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION NO.9938 OF 2021

ORDER:-

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners/A.2 & A.3 in connection with Crime No. 301 of 2021 on the file of Suryapet II-Town Police Station, Suryapet District, wherein the petitioners, along with other accused, alleged to have committed the offences punishable under Sections 273, 328, 420 of the Indian Penal Code and Section 59 of Food Safety and Standards Act, 2006.

2. The brief facts of the case are that on 22.11.2021, the Sub-Inspector of Police, Suryapet II-Town Police Station, along with his staff, inspected the Kirana shop of the petitioners and found that they were selling adulterated tea powder. Basing on that, samples were collected and the same were sent to FSL for analysis. The report is still awaited.

3. Learned counsel for the petitioners submits that the petitioners were arrested on 22.11.2021 and since then, they are in custody. The learned counsel further submitted that the petitioners purchased the tea powder from A.1. In similar circumstances, in Crime No. 300 of 2021, the supplier/A.1 therein was granted bail by this Court on 23.12.2021 in CrI.P. No. 9613 of 2021. According to him, the present case was registered without obtaining any FSL report. The learned Public

Prosecutor is not disputing the status of the petitioners and the supply of adulterated powder by A.1.

4. In the present case, admittedly, no spot test was conducted to come to a *prima facie* conclusion of adulteration of tea powder. The FSL report is still awaited. In the circumstances, the request of the petitioners for enlarging them on regular bail can be considered on certain conditions.

5. In the result, the petition is allowed and the petitioners/A.2 & A.3 shall be enlarged on bail on each of them executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Principal Judicial First Class Magistrate, Suryapet. On such release, the petitioners shall appear before the S.H.O., Suryapet II-Town Police Station, on every Friday in between 06:00 a.m. to 06:00 p.m. for a period of two months from today.

Consequently, miscellaneous applications pending, if any, shall stand closed.

M. LAXMAN, J

Date :30.12.2021

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DATE: 30-12-2021