

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION NO. 10009 of 2021

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973, seeking regular bail to the petitioner/A-1 in connection with Crime No.301 of 2021 on the file of Suryapet II Town Police Station, Suryapet District, wherein the petitioner, along with other accused, is alleged to have committed the offences punishable under Sections 273, 328, 420 IPC and under Section 59 of Food Safety and Standards Act, 2006.

2. The case of the prosecution is that on 22.11.2021, on prior information, the Sub-Inspector of Police, Suryapet II Town, along with his staff, raided the kirana shop of A2 and found adulterated tea powder packets, on further enquiry, he stated that the tea powder was supplied by the present petitioner-A1. Basing on the seizure, the petitioner was arrested.

3. Learned counsel for the petitioner submits that there was no spot test conducted by the police and that there is no material to indicate that there was adulterated tea powder. According to him, there is no *prima facie* test to indicate the adulterated tea powder and the report is still not received.

4. The learned Assistant Public Prosecutor opposed the request of the petitioner for grant of bail.

5. The fact that till date, there is no report either from the spot test or from the SFL to show that the seized tea powder was adulterated with chemical, which is harmful to the health. Till now, there is innocence on the part of the accused since there is no *prima facie* material to indicate the adulterated tea powder. Therefore, his request for grant of regular bail can be considered by imposing certain conditions.

6. In the result, the petition is allowed and the petitioner/A-1 shall be enlarged on bail, pending receipt of SFL report, on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty-five thousand only) with two sureties for a like sum each to the satisfaction of the Additional Judicial First Class Magistrate at Suryapet, Surapet District. If the SFL report is received as adulterated and if the police are required to arrest the petitioner/A1, they are at liberty to arrest him for further investigation.

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

31st December, 2021

sj

M. LAXMAN, J

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DATE: 31-12-2021

sj