

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION NO. 10005 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-4 in connection with Crime No.358 of 2021 on the file of Pargi Police Station, Vikarabad, Ranga Reddy District, wherein the petitioner, along with other accused, is alleged to have committed the offences punishable under Sections 420, 273, 328, read with 34 IPC and under Section 59 of Food Safety and Standard Act, 2006.

2. The case of the prosecution is that on 25.11.2021 at about 0015 hours, on credible information, the police raided the house of A1 and found adulterated tea powder of 50 kgs, and based on his confession, a further raid was conducted at the premises of A2 and found 200 kgs of adulterated tea powder from the possession of A2, and thereafter, raid was conducted in the house of A4 and found 540 kgs of adulterated tea powder, and total quantity seized was 790 kgs, worth Rs.1,60,000/-. Investigation further revealed that A1 was purchasing the adulterated tea powder from A2, who in turn, purchased the same from A3, who stayed at East Godavari District, and A4 is a retailer, purchasing the tea powder from A2 and selling the same to the public. The said quantity of tea powder was seized and the present accused along with the other accused was remanded to judicial custody on 26.11.2021. A3 is still absconding.

3. Learned counsel for the petitioner submits that the petitioner is innocent and he has purchased the contraband from A2 and he has no intention to sell adulterated tea powder. He further submits that there is no *prima facie* test to indicate the adulterated tea powder and the report is still

not received. Therefore, till the report is received, the petitioner is innocent of the allegations.

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

5. The investigation itself shows that A4 is a retailer, who purchased the adulterated tea powder from A2, who in turn purchased the same from A3. Admittedly, there is no spot test to come to a conclusion that there is a *prima facie* adulteration. Therefore, till the adulteration report is received, the petitioner presumed to be innocent. 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-4 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 Judicial First Class Magistrate at Pargi, Vikarabad, Ranga Reddy District. If the SFL report is received as adulterated and if the police are required to arrest the petitioner/A4, they are at liberty to arrest him.

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