

12.08.2022
Serial no.10
Aloke

CRM (A) 3865 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tangra Police Station Case No. 155 of 2022 dated 09.06.2022 under Sections 120B/420/269/272 of the Indian Penal Code.

-And-

In the matter of : **Lee Kien Wen & Ors.**

... .. Petitioners

Mr. Sandipan Ganguly, Sr. Advocate
Mr. Abdur Rakib, Advocate

... .. For the Petitioners

Mr. Saibal Bapuli, Id. APP
Mr. Arani Bhattacharyya, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Learned Senior Advocate appearing for the petitioners submits that the police cannot proceed against the petitioner in view of Table IV-A of the provisions of the Food and Safety and Standards (Food Products and Additive) Regulations, 2011.

Learned Advocate appearing for the State draws the attention to the forensic report and submits that the samples taken were found to be unsafe food.

Various samples were taken. One of the samples was found to be in accordance with the regulations. Some samples were found to be not unsafe food. There is an issue of applicability of the provisions of the Food and Safety Standard Act of 2006.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition

that the petitioners shall meet the Investigating Officer as and when called for till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 3865 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)