

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19179 of 2014**

Arising Out of PS. Case No.-6 Year-2011 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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Mukesh Kumar Agrawal S/o Sri Raghubir Prasad Agrawal Prop.- M/S Shri
Shyam Agro Oil Mills, Marketing Chowk, N.H.-31, P.S.- Gulab Bagh, Dist.-
Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Chandra Agrawal
For the Opposite Party/s : Mr.Ram Sumiran Roy App

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-04-2023 Heard the parties.

This application has been filed for quashing the order
taking cognizance dated 03.01.2011 passed by the learned
C.J.M. Purnea in Complaint Case No. B-III-06/2011, dated
03.01.2011 for an alleged offence punishable U/s 16 (1)(A) of
P.F.A. Act, 1955.

On 04.12.2010, Eleven items, all different Edible Oils
including Mustered Refine Oil were seized from the business
premises of the petitioner and all the samples of Edible Oils
were sent to the Public Analyst for testing. On analysis, the
samples failed under the P.F.A. Act and Rules vide analysis



report dated 10.12.2010. The petitioner thereafter preferred another sample for testing as per Section 13 of the Act.

Submission of the learned counsel for the petitioner is that the second sample has been sent for testing on receipt of notice filed an application on 13.01.2011 before the S.D.J.M., Purnia for sending the 2nd sample for analysis by higher authority. The same was sent within 2 weeks to the analysis and the report is still awaited. Learned counsel for the petitioner has relied upon an order dated 19.07.2017 passed by this Court in Cr. Misc. No. 20424 of 2014 by which the case of the petitioners have been quashed.

Learned counsel for the State has opposed the prayer and has argued that the petitioner has not filed the application for second analysis well within time and, therefore, there is no merit in this application.

I have examined the records of the case and find that the application for second analysis was filed within ten days of the petitioner being informed by the higher authorities.

In that view of the matter, for the reasons mentioned in the order dated 19.07.2017 passed in Cr. Misc. No. 20424 of 2014, this application is allowed.

Accordingly, the order taking cognizance dated



03.01.2011 passed by the learned C.J.M. Purnea in Complaint
Case No. B-III-06/2011, dated 03.01.2011 is hereby quashed.

(Sandeep Kumar, J)

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