

18.07.2024
Sl No. 09
Court No. 29
TN
(Rejected)

CRM (A) 1945 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Chakdah Police Station Case No. 262 of 2024 dated 07.03.2024 under Sections 272/273/420 of the Indian Penal Code, 1860.

And

In the matter of : **Ashim Kumar Saha @ Ashim Saha.**

- petitioner

Mr. Shibaji Kumar Das

....for the petitioner

Ms. Amita Gaur,
Mr. Soumya Basu Roy Choudhuri

... for the State

1. The case diary was produced with inadequate materials. We are surprised that the FSL report was not obtained before the case diary has been placed and instruction has been given to the learned counsel for the State to oppose the prayer.
2. We do not wish to make any comment for the non-disclosure of the FSL report which has now come to light in terms of our earlier direction and it *prima facie* shows that it was adulterated and unsafe for human consumption.
3. The anticipatory bail application of the petitioner accordingly stands rejected.
4. A copy of this order shall be forwarded to all the SPs and Commissioners so that in all cases where there has been a charge of food adulteration, the case diary must contain the FSL report and immediate steps should be taken for obtaining FSL report on receipt of such complaint of food adulteration.

5. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)