

31.12.2020
Item no.15
Ct.8
KAUSHIK/CHC
Rejected

C.R.M. No.11298 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Krishnagar Kotwali Police Station Case No.835 of 2019 dated 02.12.2019 under Section 272 of the Indian Penal Code and Section 57 of the Food Safety and Standards Act, 2006.

And

In the matter of:-

Palash Ghosh

... Petitioner

Mr. Prabir Majumder

.. for the petitioner

Md. Anwar Hossain,
Ms. Manisha Sharma

..for the State

Liberty is granted to the petitioner to amend the cause-title, incorporating an additional section, during the course of the day.

Learned counsel for the petitioner submits that, although it was alleged that empty Hydrogen Peroxide jars were seized from the precincts of the petitioner's milk chilling plant, in the absence of any report on the fact that the milk being processed was adulterated, there is no scope of arresting the petitioner.

Learned counsel for the State contradicts such submission on facts and places reliance on the Case Diary to indicate that quantities of Hydrogen Peroxide was, in fact, recovered from the precinct in question.

The seizure list, which is a part of the Case Diary, vindicates the stand taken by the State regarding jars containing Hydrogen Peroxide having been recovered from the site.

Moreover, since investigation is still on going in the matter, it would not be prudent to grant anticipatory bail to the petitioner.

Accordingly C.R.M.11298 of 2020 is dismissed.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)

(Saugata Bhattacharyya, J.)

