



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11954 of 2025

Sudhir Kumar Tiwari

...

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. C. Mohanty, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
15.12.2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Gurudijhatia PS Case No.171 of 2025 corresponding to CT Case No.630 of 2025 pending in the file of learned SDJM, Athagarh, for commission of offences punishable U/Ss.274/318(4)/318(2)/316(3)/3(5) of BNS r/w Sections 51/59 of Food Safety and Standard Act, 2006 (in short, "the Act"), on the main allegation of adulterating milk rendering it unfit for human consumption.
3. Heard, Mr. Jugala Kishore Panda, learned counsel, who enters appearance for the petitioner in the Court today by filing appearance memo, which is taken on record and Mr. C. Mohanty, learned Additional Public Prosecutor in the present matter and perused the record. On being queried about the criminal antecedent



of the petitioner, Mr. Panda volunteers to withhold bail to the petitioner, if he is found to have any criminal antecedents of similar nature for commission of offence under Food Safety and Standard Act, 2006.

4. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioner for adulterating milk rendering it unfit for human consumption, but the sample analysis report submitted by Food Analyst reveals the quality of the milk sample taken from allegedly seized adulterated milk is unsafe U/S.3.1.(zz) of the Act for containing foreign fat like butyro, however, the petitioner is in custody since 12.09.2025 and in the meantime, charge sheet has already been submitted and none of the penal offences imposed against the petitioner prescribes punishment beyond seven years, but the punishment prescribes for offence U/S.59(iv) of the Act is for maximum punishment up to life in case, the contravention of such offence results in death and in this case, no such death of any person has occurred. In such view of the matter and taking into consideration the nature and gravity of the offences as alleged against the petitioner vis-à-vis the accusations sought to be brought against him and keeping in view the inherent right of an accused to be presumed innocent until proven guilty at the trial and taking into account the grant of bail to co-accused Prakash Khuntia @ Prakash Chandra Khantia (BLAPL No.10338 of 2025)



and benefit of pre-arrest bail to Dhaneswar Pradhan (ABLAPL No.11098 of 2025) & Soubhagyalaxmi Pradhan (ABLAPL No.11147 of 2025), this Court without expressing any view on merits admits the petitioner to bail, but subject to verification of his criminal antecedent for similar nature.

5. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) only with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

In view of the specific submission as advanced for the petitioner, the benefit of this order shall not be extended to the petitioner, if he is found to have any criminal antecedent of similar nature for commission of offence under Food Safety and Standard Act, 2006.

6. Accordingly, the BLAPL stands disposed of.

7. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita