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**CRR 5482 of 2025**

**Rajesh Kumar Gupta @ Rakesh Gupta  
Vs.  
The State of West Bengal & Anr.**

Mr. Moyukh Mukherjee  
Mr. Abhisekh Dutt  
Ms. Priyadarshi Pramanick  
Ms. Aishwarya Bazaz ...for the Petitioner

This is an application wherein the petitioner has prayed for quashing of the proceeding being G.R. case no. 2077 of 2025, presently pending before the learned Additional Chief Judicial Magistrate, Serampore, Hooghly under Section 318(4)/271/274/275 of the BNS, 2023 read with various provisions under the Food, Safety and Standards Act, 2006 and 7(1)(a)(ii) of the Essential Commodities Act, 1955.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner submits that the petitioner is a trader dealing in edible oils and he lawfully became the licensee of the premises on 10.8.2025 and also obtained a valid E-Trade license from Rishra Municipality on 21.8.2025.

Prosecution alleged that on the basis of the source information of storing adulterated oil, they conducted raid at the said premises and arrested two workers and allegedly obtained confessional statement from them which are inadmissible in law.

He further submits that the allegations are inherently improbable and furthermore, instant proceeding has been initiated in violation of Section 173(3) of the BNSS and Section

42 of the Food, Safety and Standards Act, 2006 and therefore, the initiation of the proceeding itself is bad in law and entire proceeding is liable to be quashed.

Having heard learned counsel for the petitioner, the application is admitted.

Petitioner is directed to serve a copy of the application upon the State through the office of the Public Prosecutor, High Court, Calcutta and upon the opposite party no. 2 by speed post intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear two weeks hence under the same heading.

Petitioner will be at liberty to pray for interim relief before the court below after serving copy of the application to the opposite parties.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

**(Dr. Ajoy Kumar Mukherjee, J.)**