



(CNR No.MHTH12-010037-2023)

Order below Exh.01

(Order dated 23/08/2023)

1. The present application is filed for removing seal affixed to Pan Shop P-28, Near Pan Gadi, Shreedevi Hotel, Between N and M Wing, situated at APMC Fruit Market, Sector-19, APMC, Vashi, Navi Mumbai-400703.

2. It is the contention of the applicant that the Food Safety Officer of Food and Drugs Administration, Thane along with his staff had checked the materials and goods lying in the shop premises and has seized all the objectionable articles and also sealed the shop premises. The applicant further submitted that the prohibited articles are already seized and taken out by the Safety Officer. The applicant is lawful owner of the shop. The said shop is the only earning source for him and he and his family are residing at shop premises. Due to seizure of shop premises the applicant and his family members are facing many difficulties. The applicant submitted that he is ready to abide by the terms and conditions imposed on him and also ready to execute the bond. In support of his contentions the applicant has filed on record, copy of Gumasta Licence, Food Licence of the said shop and establishment license and Aadhar Card of the applicant.

3. The respondent has not filed his say. The I.O. has filed his say and thereby resisted the present application. The respondent

contended that the applicant has not supplied the information of the supplier of the prohibited food articles. The applicant has found to selling the prohibited food articles. The prohibited food articles are found in the shop of the applicant. Investigation is still in progress and if, the seal of premises is removed, the applicant is likely to reuse the same for selling prohibited articles. Hence, the I.O. prayed for rejection of the application.

4. Ld APP objected the application on the ground that there is a possibility of committing similar offences.

5. In the light of submissions canvassed, I have carefully gone through the record. Admittedly, the prohibited food articles have already been seized and the sample of same are sent for analysis.

6. Though the I.O. and Ld.APP have raised various objections the fact cannot be ignored that the livelihood of the applicant is depending on the shop premises and therefore there is no hurdle to hand over custody of the Pan Shop premises to the applicant. The apprehensions raised by the I.O. and the Ld. APP can be safeguarded by imposing stringent conditions on the applicant. Hence, I proceed to pass following order :-

ORDER

1. The application is allowed on following terms and conditions:-
 - i) The respondent is directed to remove the seal of Pan Shop P-28, Near Pan Gadi, Shreedevi Hotel, Between N and M Wing, situated at APMC Fruit Market, Sector-19, APMC, Vashi, Navi Mumbai-400703, immediately.

- ii) The respondent is directed to handover possession of the said shop to the applicant and remove all the prohibited articles, if any, lying in the shop.
- iii) The applicant is directed to execute a bond of Rs.1,00,000/- on the stamp paper of Rs.100/-, with an undertaking that he shall not commit similar offense in Act in the present shop premises or any other premises, either personally or through his agents, servants or any other persons.

CBD Belapur.
Date :- 23/08/2023

Sd/-
(V.S.Agarwal)
Judicial Magistrate, First Class,
Court No.9, Belapur, Navi Mumai.