

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 20464 of 2012

Arising out of P.S. Case No. -410 Year- 2009 Thana -Town
(Motihari) District- EASTCHAMPARAN (MOTIHARI)

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1. Rajesh Ram @ Rajesh Kumar Ram S/o Late Bishwanath Ram Resident of Mohalla- Nakchhed Tola, P.S- Town (Motihari), District- East Champaran, Motihari.
 2. Raj Bhagat S/o Satyadev Bhagat Resident of Village- Chhapra, P.S- Sugauli, District- East Champaran, Motihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Block Supply Officer, Banjariya, P.S- Town, (Motihari), District- East Champaran., Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Payal Kashyap, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-02-2015

The Petitioners seek quashing of the proceeding including the order of cognizance dated 30.08.2010 passed by the Chief Judicial Magistrate, East Champaran at Motihari in Town (Motihari) P.S. Case No. 410 of 2009 (Tr. No. 4045 of 2010).

The case of the Informant is that on the relevant date a pick up van was found loaded with drums of kerosene oil. On inquiry the Driver said that he was to receive instructions from his owner as to where it was to be delivered. Soon thereafter the Petitioner No. 1 came on his motorcycle and on search some documents were recovered from his motor-cycle. It is under these circumstances that substantive case against the

Petitioner under Section 7 of Essential Commodities Act was instituted.

It has been submitted that as is evident a case has been instituted merely on a misconception that the Petitioners were indulging in black-marketing.

In the case diary no further material has transpired against the Petitioners showing their complicity instead there is statement to show that the Petitioners for bona fide reasons had kept the document in his motor-cycle.

In view of such, the application is allowed and the proceeding including the order of cognizance dated 30.08.2010 passed by the Chief Judicial Magistrate, East Champaran at Motihari in Town (Motihari) P.S. Case No. 410 of 2009 (Tr. No. 4045 of 2010) is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J)

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