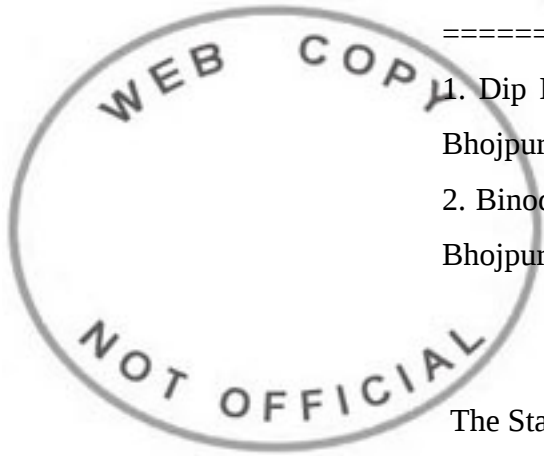


IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42778 of 2012



=====

1. Dip Kumar @ Dipak Kumar S/O Shivshankar Sah, Resident of Naya Bhojpur, P.S.- Dumraon, District- Buxar

2. Binod Kumar @ Tuntun Kumar S/O Shivshankar Sah, Resident of Naya Bhojpur, P.S.- Dumraon, District- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Choubey Jawahar, APP

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 21-05-2015 The petitioners feel aggrieved by order dated 4.8.2008 passed by the court of Sub Divisional Judicial Magistrate, Buxar in G.R.Case No.359 of 2004 through which cognizance of offence against the petitioners under Sections 420, 379, 120B of the Indian Penal Code and under Section 7 of the Essential Commodities Act has been taken.

The petitioners submit that they are running a rice mill and in the course of business, bags which once were handled by Food Corporation of India were also used in packaging of the rice. It is pleaded that just on the basis of suspicion that the rice in the bags containing the label of Food Corporation of India, may be the one owned by Food Corporation of India itself, the complaint was submitted and without verifying the relevant facts the trial

court has taken cognizance in the case.

Heard Sri Shivendra Kumar Sinha, learned counsel for the petitioners and Sri Choubey Jawahar, learned A.P.P.

Had it been a case where the allegation is only about use of bags having the label of Food Corporation of India, things would have been different. The allegation in the instant case is that the seized bags of rice contained the seal of Food Corporation of India. The truth or otherwise thereof needs to be considered at the trial.

This Court is not inclined to quash the proceedings. Since the materials have already been seized and the cognizance of the offence is taken, it is not necessary that the petitioners be arrested.

Therefore, this Cr. Misc. Petition is disposed of directing that the trial court shall proceed to try and conclude the matter without causing arrest of the petitioners.

(L. Narasimha Reddy,CJ)

mrl

U		T	
---	--	---	--