

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27639 of 2011

Arising Out of PS.Case No. -1 Year- 1998 Thana -null District- BUXAR

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Sheonath Shah @ Sheo Nath Pd. Singh S/O Late Dwarika Prasad Shah, R/O Thana Road, Buxar, P.S- Buxar(T), Distt- Buxar.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-04-2015

Supplementary affidavit has been filed stating therein that not a single witnesses have been examined even though the case is of the year 1998.

The petitioner seeks quashing of the order of none discharge dated 07.06.2011 passed by the S.D.J.M, Buxar in E.C. Case No. 02 of 1998 arising out of Murarpur Case No. 01 of 1998, G.R. No. 139 of 2011.

The case of the prosecution is that on the date of occurrence a tractor was intercepted loaded with 9 drums of K. Oil belonging to one Harendra Kumar, a P.D.S Dealer.

The cash memo revealed that the K Oil had been purchased from the shop of the petitioner and the petitioner had not entered the

details of dealer code in accordance with the guidelines issued by the Government in regard to quantity and identity of the P.D.S. Dealer to prevent misuse of K.Oil.

It has been submitted on behalf of the petitioner that even conceding the prosecution case, the only allegation against the petitioner is of irregularity and not of black marketing and since the matter has been kept pending since 1998 evidently the prosecution is not serious in pursuing the matter.

Having considered the nature of allegation and the aforesaid submission, the application is allowed.

However this order shall not give any undue advantage to the petitioner anywhere.

(Anjana Prakash, J)

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