

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18920 of 2015

Arising Out of PS.Case No. -151 Year- 2013 Thana -SONBERSA District- SITAMARHI

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1. Kameshwar Tiwari Son of Late Sheyam Nandan Tiwary Resident of
village - Dhanha Tiwari Tola, P.S. Parihar, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Mr. Veena Rani Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

3 24-07-2015 Heard learned counsel for the petitioner as well as learned
A.P.P..

Being aggrieved by an order dated 05.11.2014 passed by
the S.D.J.M., Sadar Sitamarhi in G.R. No. 3229 of 2013 whereby
and whereunder, petitioner along with others has been summoned
to face trial for an offence punishable under Section 7 of Essential
Commodities Act, has filed instant petition.

From the written report, it is apparent that on account of
diversion of route while carrying 124 Quintal and 23 kg of rice of
B.P.L. Scheme by the petitioner a P.D.S. dealer by truck bearing
registration No. BR-1G-5101, the same was intercepted. From the
written report itself it is apparent that on query, the driver has
disclosed that it was being carried to the godown of dealer.

However, as the apprehended prosecution party smacked it to be carried for black marketing, led with institutions of Sonbersa P.S. case No. 151 of 2013 under Section 7 of the Essential Commodities Act, whereunder, charge-sheet has also been submitted after conclusion of the investigation followed with an order of cognizance, the order impugned.

Gone through the case diary and from perusal of the same, it is apparent that there happens to be only suspicion cast by the prosecution party on account of diversion of route. Petitioner had furnished the route chart by way of supplementary affidavit which for the present did not justify interference in the order impugned. Because of the fact that the aforesaid matter is a subject of trial. That being so, instant petition is rejected being devoid of merit.

(Aditya Kumar Trivedi, J)

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