

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20329 of 2013

Arising Out of PS.Case No. -339 Year- 2007 Thana -LAKHISARAI District- LAKHISARAI

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1. Rajendra Paswan S/O Late Ramdeo Paswan Resident Of Village-
Damodar Pur, P.S.- Lakhisarai, District- Lakhisarai

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad Keshri, Advocate

For the Opposite Party/s : Mr. Manoj Kumar-I ,

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 13-07-2015 Heard learned counsel for the petitioner as well as
learned APP.

Petitioner has challenged order dated 25.7.2011
passed by Chief Judicial Magistrate, Lakhisarai in connection with
Lakhisarai (Kabaiya) P.S.Case No.339 of 2007 whereby and
whereunder petitioner has been summoned for an offence
punishable under Section 7 of the Essential Commodities Act.

Block Supply Officer, Lakhisarai had seized
Commander Jeep laden with 13 plastic bags of rice and further
having been disclosed by the driver of the vehicle pointing
Rajendra Paswan, a PDS dealer, to be owner of 13 bags of rice
who managed to escape, leading to filing of a detailed report and
on the basis thereof, Lakhisarai P.S.Case No.339 of 2007 was
registered under Section 7 of the Essential Commodities Act. At
an earlier stage, charge sheet was submitted against the petitioner
and keeping investigation pending against others who also been
charge sheeted and by order impugned, learned lower court had
passed the order impugned summoning all of them in a manner as

indicated above.

Gone through the case diary. From perusal of the case diary it is apparent that Investigating Officer could not be able to connect the seized article to be that of supplied to the PDS dealer and further there happens to be no barrier by way of any order in transportation of rice and on account thereof, mere seizure of 13 bags of rice from a Jeep is not going to identify the petitioner in any manner. That being so, order dated 25.7.2011 passed in Lakhisarai (Kabaiya) to the extent of petitioner, is quashed.

The petition is allowed.

(Aditya Kumar Trivedi, J)

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