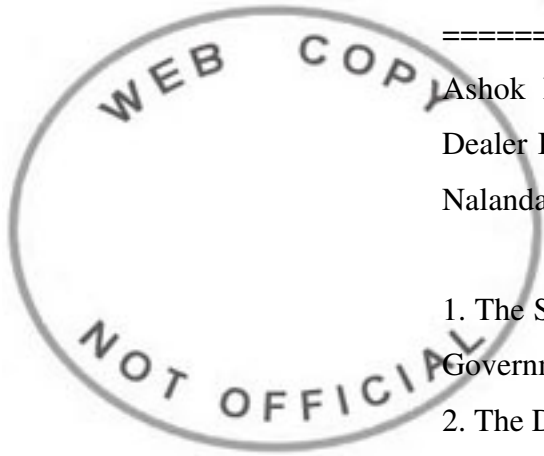


IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.12 of 2014



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Ashok Kumar Mathuri, S/o Late Ram Khelawan Ram Mathuri, P.D.S.
Dealer Islampur Nagar, Panchayat (Ward No. 16), P.S.- Islampur, District-
Nalanda. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Government of India, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Principal Secretary, Weight and Measurement Department,
Government of Bihar, Patna.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The District Magistrate, Nalanda at Biharsharif.
6. The Sub Divisional Officer, Hilsa, Nalanda.
7. The Assistant District Supply Officer, Hilsa, Nalanda.
8. The Dy. S. P. Hilsa, Nalanda.
9. The Block Development Officer, Hilsa, Nalanda.
10. The Block Supply Officer, Sri Vijay Kumar Rajak (Informant),
Akangarsarai, Hilsa, Nalanda.
11. The Officer-In-Charge (S.H.O.) Islampur, Hilsa, Nalanda.

... Respondent 1st Set

12. Md. Taukir Alam @ Takku S/O Late Mazafar Alam, Resident of
Mohalla Lohar Toli, Islampur, Ward No. 16, P.S. Akangarsarai, District
Nalanda at Biharsharif.
13. Md. Istak Lal, S/o Late Gulam Mustaf Gajasarai, P.S.-Islampur,
District- Nalanda at Biharsharif.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr. Santosh Kumar Jha, GP-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-01-2015

The petitioner who is a P.D.S. dealer has been made named accused in Islampur P. S. Case No. 241 of 2013 dated 18th November, 2013 registered for the offence punishable under Section 7 of the Essential Commodities Act, 1955.

By filing the instant writ petition under Articles 226 and 227 of the Constitution of India, the petitioner seeks direction from this Court to be issued to the respondents not to harass the petitioner in the aforesaid police case. A further prayer has been made seeking for a direction to be issued by this Court to the respondent-State to get the matter inquired into by any independent agency.

In my view, the writ petition is thoroughly misconceived. At the stage of investigation, the Court has no role to play. The defence of an accused cannot be considered by this Court in writ jurisdiction when the matter is still under investigation. There is nothing on record to show that the investigation of the case is not being carried out in a fair and impartial manner.

In that view of the matter, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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