

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.303 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- NAWADA

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Mahendra Bhagat S/o Late Dinanath Bhagat R/o Village - Sangatpar, P.S. -
Warisaliganj, Dist. – Nawadah Petitioner

Versus

1. The State of Bihar
 2. The Superintendent of Police, Nawadah
 3. The officer - in - Charge, Warsaliganj Police Station, Dist- Nawadah
 4. Sri Kanti Raman S/o not known, the investigating officer of Warisaliganj, P.S.
Case No. 238/2013, Dist. - Nawadah
 5. Smt. Bimla Devi W/o Ram Naresh Sharma, the Block Supply Officer
Warsaliganj, Dist. - Nawadah Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
Mr. Vijay Kumar, Advocate

For the Respondent/s : Mr. A. N. Deo, SC-26
Mr. P.K. Verma, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-04-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

This application under Section 482 of the Code of
Criminal Procedure has been filed for quashing the first information
report of Warisaliganj P.S. Case No. 238 of 2013 registered for the
offence punishable under Section 7 of the Essential Commodities

Act.

In the first information report instituted on the basis of a written report submitted by the Block Supply Officer, Warisaliganj it has been alleged that 120 bags of subsidized rice was being unloaded from a tractor in the house of one Ajay Singh. At the time of raid, 115 bags of rice were found in the courtyard of the house; whereas five bags were still on the tractor and the process of unloading and storing in the house is going on. On inquiry, it was disclosed that the petitioner was a tenant of Ajay Singh and the rice in question was brought by him for being sold in black marketing.

It has been contended by the learned counsel for the petitioner that the petitioner is a businessman who deals in food-grains. The rice in question weighing about 60 quintals was purchased by him from Nalanda Rice Mill, Bhikhanibigha, Asthawan, Nalanda. He has submitted that rice is not a controlled item and there is no prohibition on transit of rice as it is a free commodity.

On the other hand, learned counsel for the State has submitted that the allegation is not of dealing in the foodgrains but of procuring subsidized rice of government scheme for the purpose of sale in black market. He has further submitted that the investigating officer of the case has already submitted charge sheet

before the Court concerned vide charge sheet no. 195 of 2014 dated 20.10.2014.

I have heard respective counsel for the parties and perused the case diary. The allegations made in the first information report do attract the ingredients of the offence punishable under Section 7 of the Essential Commodities Act. Moreover, the investigation has already come to an end and the investigating officer has submitted charge sheet in the Court long back.

It is well settled that once a report under Section 173(2) of the Code of Criminal Procedure is submitted before the court of competent jurisdiction, it is for the court concerned to take into consideration the materials available on record and pass appropriate orders in accordance with law.

For the reasons stated, hereinabove, I am not inclined to entertain the application for quashing of the FIR.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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