

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 10590 of 2013

Arising out of P.S.Case No.-79 Year-2012 Thana-BAUSI District-

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1. Sagar Lal Ray, Son of Late Aam Lal Roy, Resident of Village -
Tarabari, P.S. - Baisi, District - Purnea

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner :

For the Opposite Party :

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 14-05-2015

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

This petition is directed against the order dated
22.06.2012, passed by Sub-Divisional Judicial Magistrate, Purnea
in Baisi P.S. Case No. 79/12 by which cognizance of the offence
under Section 7 of the E.C. Act has been taken against the
petitioner.

The allegation against the petitioner is that the
beneficiaries of the Public Distribution System were complaining
that the PDS Dealer has not given them the kerosene oil for the
month of February, 2012 and black-marketing of kerosene oil and
it was found that from the perusal of the coupon produced by the
beneficiaries the kerosene oil has not been supplied.

The learned counsel for the petitioner submits that

the beneficiaries have got their names involved twice and thrice and they have falsely been implicated in this case.

However, the submission of the learned counsel for the petitioner is a defence set up by him, which can only be seen or tested at the trial or at subsequent stage and not at this stage.

However, going through the First Information Report, prima facie makes out an offence and hence, I do not find any merit to interfere with the order impugned.

The learned counsel for the petitioner submits that he may be granted leave to raise the issue afresh at appropriate stage. Hence, this petition is dismissed with liberty to the petitioner to raise the issue at the appropriate stage.

(Gopal Prasad, J.)

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