

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47130 of 2012

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Shashi Bhushan Prasad son of late Ram Charan Paswan, resident of
village–Dharampur, PO + PS-Hatidah, District-Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioner and
learned counsel for the State.

In this case, the petitioner is challenging the
order dated 20th September 2012 passed in G.R. Case No.
1443/2006 arising from Mokama P.S. Case No. 205/2006
registered for offence under section 7 of the Essential
Commodities Act by which the discharge application of the
petitioner has been rejected.

In the present case, Block Supply Officer,
Mokama filed a written report to the Officer Incharge dated
29th December 2006 making allegation that the raid was
conducted by him at village-Sheonar in the market of one

Suman Singh in which co-accused Sudhansu Kumar and Raj Kumar were running two shops on rent. In course of raid, it was found some LPG filled cylinder, some empty of different size and gas weighing machine were seized and thereafter, the case was lodged.

The court below took cognizance under the aforesaid section and later on, the petitioner has filed a discharge application but the same was rejected.

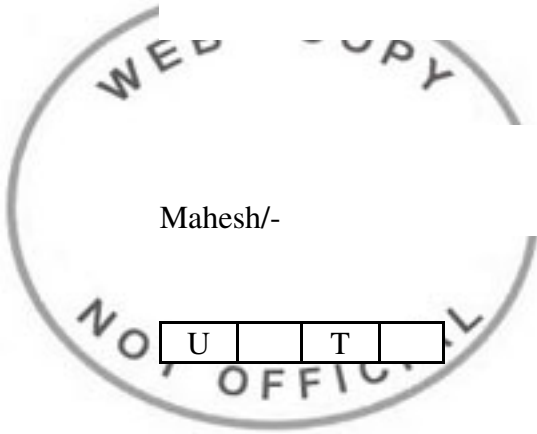
The counsel for the petitioner submits that the court below has passed a cryptic order without discussing his plea which he has taken in the petition, by non-reason order, rejected the claim of the petitioner.

The counsel for the State has submitted that the court below has examined the material and passed the order where the court below did not find favour with the petitioner and refuse to pass an order in his favour.

Having considered the rival contentions of the parties, the order dated 20th September 2012 shows that the court below has passed a very cryptic order without discussing the fact and law involved in the present case.

In such view of the matter, the order dated 20th September 2012 is hereby set aside and the matter is remanded back to the court below to pass a fresh reasoned order in accordance with law without any delay.

Accordingly, this petition is allowed.



(Shivaji Pandey, J)