

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.482 of 2016

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Binod Kumar, S/O Late Laxmi Sah, a resident of Mohalla Karwa Ki Sarai,
P.S. Malsalami, District Patna

.... Petitioner

Versus

1. The State of Bihar.
2. The Superintendent of Police, Patna.
3. The S.H.O. Malsalami, Patna
4. The Investigating Officer of Malsalami P.S. case no. 82/2016.
5. Special Officer, Rationing, Patna
6. Sub divisional Officer, Patna City
7. Hari Sharan Pandey, S/o- Not known, Marketing Officer, Rationing, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate
Mr. Harish Kumar, Advocate
Mr. Raj Krishna Jha, Advocate

For the Respondent/s : Mr. Nikhil Kr. Agrawal, A.C.to G.P.-30
Mr. Santosh Kr. Mishra, Advocate
Mr. Raju Giri, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 05-07-2016 This application has been filed for seeking quashing of the First Information Report of Malsalami P.S. Case No. 82 of 2016, registered for the offences punishable under Sections 420, 406 and 409 of the Indian Penal Code and Section 7 of Essential Commodities Act.

The petitioner is admittedly a Public Distribution System dealer having license No. 184 of 2008. It transpires from the First Information Report that on a secret information, the Marketing Officer had conducted a raid in the PDS shop and

noticed that huge quantity of food-grains was missing in the godown, which was supposed to be here, as per the supplies made. It was also found, in course of search, that 25 quintals of rice and 04 quintals of wheat, were being loaded near the shop, on a Pick-up Van, without any valid document.

On perusal of the First Information Report, I find that it cannot be said that no offence is made out against the petitioner, on the basis of the allegations made, in the First Information Report.

Learned counsel for the petitioner relying on Rule 31 of Bihar Trade Food Articles (Licenses Unification) Order, 1984 submits that the First Information Report, has not been registered against the Public Distribution System dealer.

The submission, in my view, is misconceived and is, accordingly, rejected.

I , therefore, do not find any merit in this application.

This application stands dismissed.

(Chakradhari Sharan Singh, J)

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