



IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51010 of 2014

Arising Out of PS.Case No. -228 Year- 2013 Thana -ATRI District- GAYA

- =====
- 1. Dilip Kumar Son of Balmiki Singh Resident of Village - Bana, P.S. - Khizarsarai, District - Gaya
 - 2. Ajay Prasad @ Anjay Kumar
 - 3. Madan Prasad Both sons of Nathun Prasad @ Nathun Prasad Yadav Resident of Village - Kewati, P.S. - Atri, District - Gaya

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. Hari Krishna Jha S/o Late Umakant Jha The Block Education Officer, Atri Block, District - Gaya cum informant of the case

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-07-2016

The petitioner seeks quashing of the order of cognizance dated 14.08.2014 passed by the Judicial Magistrate, 1st Class, Gaya in Tr. No. 2891 of 2014.

The case of the prosecution is that on the certain date a tractor loaded with 101 bags of rice was seized and the driver disclosed that it belonged to Anjay Kumar, Petitioner no. 2 who was the brother of contractor Madan Prasad who was posted as Block Teacher in Middle School Kewati. It was Madan Prasad, Petitioner No. 3 and Dilip Kumar, Petitioner no. 1 who had directed him to carry rice to Sevtar but in the meanwhile the rice was seized.

It has been submitted on behalf of the petitioners that even conceding the allegation no offence under section 7 of the Essential Commodities Act is made out. As for Section 201, there is no allegation that the rice was lifted illegally from anywhere and to screen the evidence, later on rice was distributed amongst the rightful consumer as is evident from Annexure 2.

Learned APP has gone through the case diary and submitted that there is no indication of source of rice or as to the exact owner of the same.

Hence the application is allowed and further proceedings including the order of cognizance dated 14.08.2014 passed by the Judicial Magistrate, 1st Class, Gaya in Tr. No. 2891 of 2014, is hereby set aside.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--