

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4239 of 2016

Arising Out of PS.Case No. -124 Year- 2014 Thana -LAUKARIA District-
WESTCHAMPARAN(BETTIAH)

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Baidhanath Rai @ Baijnath Rai, Son of late Pahun Rai

.... Petitioner/s

Versus

1. The State of Bihar
2. Radhe Shyam Tiwari Son of Late Babuman Tiwari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2016

Heard.

The present application has been filed for quashing of the order dated 20.05.2015 passed by learned Judicial Magistrate, 1st Class, Bagaha, West Champaran in connection with Sessions Trial No. 3080/2015 arising out of Laukariya P.S. Case No.124/2014 whereby cognizance has been taken under sections 7 of the Essential Commodities Act and 192 of the Motor Vehicle Act.

Prosecution case is that the petitioner being a PDS dealer was transporting the grains of government supply, early in the morning by getting it loaded on the tractor for black marketing.

It appears that on conclusion of investigation, the

petitioner has been charge-sheeted and the learned Magistrate after finding materials, as several paragraphs of the case diary has been quoted in the impugned order, come to the conclusion that *prima facie* case is made out.

Under the circumstances, this Court is not inclined to interfere into the matter at present.

Accordingly, the application is disposed of.

However, the petitioner would be at liberty to raise all the issues at the appropriate stage of proceeding.

(Dinesh Kumar Singh, J)

Ashwini/-

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