

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42121 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- SAMASTIPUR

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Ram Prit Sah @ Ram Prit Sahu son of Rameshwar Sahu, resident of village
Chandauli, P.S. Bithan, District Samastipur

.... Petitioner/s

Versus

State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Advocate
Mr. J.N. Sinha, Advocate
Mr. Rohit Kumar, Advocate
Ms. Sangeeta Sharma, Advocate
Ms. Nita Kumari, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-02-2016

The Petitioner seeks quashing of the order dated 17.8.2010 passed by the Additional Sessions Judge, Fast Track Court No.1, Samastipur in Criminal Revision No.387 of 2007, by which he has affirmed the order dated 31.3.2007/2.4.2007 passed by the Sub Divisional Judicial Magistrate, Rosera in Trial No.513 of 2006 arising out of Hasanpur (Bithan) P.S. case No.32 of 1995, by which he has refused to discharge the Petitioner, on the ground that the allegation that the Petitioner had stored 34 bags of fertilizer would not come within the provisions of the Essential Commodities Act.

Having considered the aforesaid, the application is allowed and the order dated 17.8.2010 passed by the Additional

Sessions Judge, Fast Track Court No.1, Samastipur in Criminal Revision No.387 of 2007 as well as the proceeding including the order dated 31.3.2007/2.4.2007 passed by the Sub Divisional Judicial Magistrate, Rosera in Trial No.513 of 2006 arising out of Hasanpur (Bithan) P.S. case No.32 of 1995 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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