

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.436 of 2015

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

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Dhananjay Prasad Singh S/o Krishna Singh resident of village + P.O. - Bhatgain,
P.S. Taraian, District - Saran.

.... Petitioner

Versus

1. The State of Bihar through the D.M. Saran At Chapra.
2. The S.D.O. Marhowrah, Saran.
3. Mr. Shiv Kumar Poddar s/o Ram Narayan Poddar resident of village + P.O. Chakwa, P.S. Hayaghat, District - Darbhanga at present Block Supply Officer, Taraian, District - Saran.
4. The Officer in-charge, Taraian Police Station, District Saran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Abbas Haider, S.C.-16

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-01-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. By way of the present application preferred
under Articles 226 and 227 of the Constitution of India, the
petitioner seeks quashing of the first information report of Taraian
P.S.Case No. 43 of 2015 registered under Section 7 of the Essential
Commodities Act.

3. It has been contended that though the petitioner
is innocent, he has been implicated in this case by the informant
who is bent upon to humiliate and harass him with oblique motive.

4. Be as it may, it is well-settled that at the stage of the investigation, the defence of the accused cannot be considered by this Court. The allegations made in the FIR do attract ingredients of a cognizable offence.

5. In that view of the matter, I am not persuaded to quash the first information report. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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