

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18038 of 2017

Arising Out of PS.Case No. -87 Year- 2016 Thana -SAHAR District- BHOJPUR

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Ganesh Pd. Gupta, son of Late Satya Narayan Pd. Gupta, Resident of Village-
Sahar, P.S.- Sahar, District- Bhojpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. B. P. Pandey, Sr. Advocate
Mr. Awadesh Kumar Mishra, Advocate
Mr. Ajay Kumar, Advocate
For the State : Mr. Mukesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-08-2017

Heard Mr. B. P. Pandey, learned Senior Advocate for the
petitioner and learned Additional Public Prosecutor for the State.

2. This application under Section 482 of the Code of
Criminal Procedure has been filed for quashing of the first
information report of Sahar P. S. Case No. 87 of 2016 registered
under Sections 7 of the Essential Commodities Act.

3. It has submitted by the learned Senior Advocate for the
petitioner that the shop of the petitioner was verified in his absence
and, hence, the points favourable to the petitioner could not be
considered by the police before instituting the FIR. He has submitted
that a direction be issued to the investigating officer to look into the
documents, which are in possession of the petitioner so that his
innocence in the matter may be proved.

4. On query made by the Court, he has submitted that he is



not aware as to whether or not the investigation of the case has come to an end.

5. I have perused the first information report. The allegations made therein do attract the ingredients of the offence alleged.

6. Since the allegations made in the FIR constitute ingredients of the offence punishable under Section 7 of the Essential Commodities Act, I do not think it proper to issue any direction to the investigating officer to hold investigation in the case in any particular manner for the simple reason that to hold investigation into a cognizable offence is the statutory right of the police and at this stage the Court has no role to play.

7. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

8. However, if so advised, the petitioner would be at liberty to adduce evidence in his defence at appropriate stage of the proceeding before the trial court.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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