

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46516 of 2013

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1. Poonam Bharti Wife of Suresh Yadav
 2. Suresh Yadav @ Suresh Pd Yadav Son of Braj Mohan Yadav
 Both resident of Sahandra, P.S. - Plasi, District-Araria

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s Mr. Md. Fahimuddin (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04/ 24.05.2017 Heard learned counsel for the petitioners as well as learned
 Addl. Public Prosecutor for the State.

Petitioners have prayed for quashing the order dated 13.08.2013 passed by the Chief Judicial Magistrate, Araria in Palasi P.S. Case no. 91/2012 by which the learned court below took cognizance for the offences punishable under section 7 of the Essential Commodities Act on two grounds, firstly, at the time of inspection of shop of petitioner no. 1, she was not present at the shop and entire inspection was made in her absence and secondly, licence of the petitioner was restored by the Collector when the Collector came to conclusion that no offence had been committed by petitioner no. 1.

The first information report goes to show that one Thela puller Md. Mohsin was caught while he was carrying six bags wheat and disclosed that he had brought the aforesaid bags from the shop of



petitioner no. 1. Subsequently, shop of petitioner no. 1 was raided and inspected and at the time of inspection, petitioner no. 2 being husband of petitioner no. 1 produced some coupons but shortage of coupons were found and on the basis of the aforesaid fact, present case was lodged and after investigation, police submitted charge sheet.

In my view, it is not proper stage to consider the question as raised by the petitioners before this court and, therefore, this quashing petition stands disposed of giving liberty to the petitioners to raise their plea before the court below at appropriate stage and if the petitioners do so, the concerned court shall pass appropriate order on the plea of the petitioners.

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(Hemant Kumar Srivastava,J)

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