

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19977 of 2014

Arising Out of PS.Case No. -29 Year- 2012 Thana -LAKHISARAI District- LAKHISARAI

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1. Subodh Saw @ Chhote Saw, son of- Late Ramdeo Saw, Resident of Mohalla-Dalpatti, Naya Bazar, P.S.- Lakhisarai, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 25-07-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 12.10.2012 passed by the learned Chief Judicial Magistrate, Lakhisarai, in Lakhisarai (Kabaiya) P.S. Case No. 29 of 2012 whereby and whereunder cognizance for the offence under Section 7 of the Essential Commodities Act was taken against the petitioner.

2. Heard both sides.

3. The informant of this case is Block Supply Officer, Halsi. In his written report submitted before S.H.O., he has alleged that on secret information, he visited at the house of accused Sunil Sah where he found a tractor loaded with bags of rice. Two labourers, who were unloading the said tractor, fled away seeing the police



party. The owner of the house had also fled away. An information was given to S.D.O. who along with other officials arrived. They searched the house of Sunil Sah and seized 50 packets of rice in presence of two independent witnesses. The shop was sealed and the remaining 58 packets of rice loaded on tractor were also seized. Accordingly, the case was registered against the owner of the house, P.D.S. Dealer and owner of the tractor.

4. It has been submitted that the petitioner is neither named in the F.I.R. nor he has any concern with the recovered rice. The wife of house owner submitted an application to this effect that the shop room was let out to this petitioner, who was using the same as godown for grain business. The police after investigation deleted the name of house owner Sunil Sah and submitted charge-sheet against this petitioner and other co-accused. There is no material against the petitioner to show that he was engaged in the business of rice or had any concern with the premises. The court below has taken cognizance without their being any material and so, the order is fit to be quashed.

5. The learned APP opposed the submission.

6. On perusal of F.I.R. and case diary, I find that after filing of application by the wife of house owner, the matter was inquired by the police and in course of enquiry, police recorded statement of several witnesses of the locality. At paragraphs 29, 30, 31 and 32 of



the case diary, I find that the witnesses have stated that the room was recovered was taken on rent by this petitioner and on the date of seizure, he was getting the said rice unloaded. He was engaged in the trade of grain business. The police submitted charge-sheet against this petitioner also under Section 7 of the E.C. Act on the basis of which cognizance has been taken.

7. In view of the discussions made above, I do not find any illegality in the impugned order. This Criminal Miscellaneous Application is, accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
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