

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.917 of 2016

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Jitendra Kumar @ Jitendra Kumar Sao S/o - Bhagwan Sao resident of village +
Police Station - Ramgarh Chowk, District - Lakhisarai. Petitioner

Versus

1. The Indian Oil Corporation Ltd (Indane L.P.G.) through the Manager, Lakhisarai, Bihar.
 2. The State of Bihar through Principal Secretary, Civil Supplies Department, Patna, Bihar.
 3. The District Magistrate, Lakhisarai.
 4. The Block Development Officer, cum Apurti Padadhikari, Ramgarh Chowk, District - Lakhisarai.
 5. The Officer-in-charge (S.H.O.) Ram Garh Chowk, District - Lakhisarai.
 6. The Superintendent of Police, Lakhisarai. Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.
For the State : Mrs. Bandana Singh, A.C. to G.P.18.
For the Respondent/s : Mr. Anil Kumar Sinha, Adv with Yash Mathur, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-11-2017

Heard learned counsel for the parties.

This writ application has been preferred for
quashing the F.I.R of Halsi P.S.Case No.171/2015 registered under
Section 7 of the Essential Commodities Act.

The petitioner is accused of the case. A domestic
L.P.G. Cylinder was recovered from the side of the table on which the
petitioner used to sell boiled eggs on the footpath of the road side at
Shekhpura market. The local chowkidar had reported to the informant
that the said domestic Gas Cylinder was being used for commercial
use.

Further prayer is for quashing the Confiscation
Case No.63/2015-16 which was initiated for confiscation of the



aforesaid Gas Cylinder.

Submission of the learned counsel for the petitioner is that in fact the Gas Cylinder was domestic cylinder of the petitioner and it was in fact kept there for being carried to the house for domestic use. Therefore, confiscation proceeding is bad in law.

Learned counsel further submits that the F.I.R. would reveal that merely on suspicion, the same has been lodged, hence the continuance of the F.I.R. and subsequent proceeding would amount to abuse of the process of the court.

After hearing the parties, I find that the F.I.R. discloses the offence alleged against the petitioner and even a suspicion is sufficient to permit investigation/trial of the case against the petitioner. Therefore, there is no reason to quash the F.I.R. The petitioner may raise his grievance before the confiscation authority regarding the fact that he is an authorized domestic L.P.G. consumer and the cylinder was of its domestic connection and the authority shall pass appropriate reasoned order thereon.

With the aforesaid observation, this writ application is disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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