

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19232 of 2017

Arising Out of PS.Case No. -196 Year- 2014 Thana -SAHEBPUR KAMAL District- BEGUSARAI

1. Sikandar Prasad,
2. Sri Krishna Mainan @ Sri Krishna Mohan,
Both sons of Late Ramswaroop Sah, resident of Village-Sandalpur, P.S.- Sahebpur
Kamal, District- Begusarai.

.... Petitioners

Versus

1. The State of Bihar.
2. Uma Shankar, son of Vidya Singh, Block Supply Officer, Sahebpur Kamal,
Begusarai.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the State : Mr. Jharkhandi Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-08-2017

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

2. This application under Section 482 of the Code of Criminal Procedure (for short 'Cr. P.C.') has been filed for quashing of the order dated 02.02.2016 passed by the learned Sub Divisional Judicial Magistrate, Begusarai in Sahebpur Kamal P.S. Case No.196 of 2014 whereby cognizance has been taken against the petitioners under Section 7 of the Essential Commodities Act.

3. According to the prosecution case, 44 bags of rice was seized by the police and, on inquiry, the informant came to know that those bags belonged to the petitioners, who were taking the rice for sale in black-marketing.



4. On completion of investigation, the police found the allegations made in the FIR to be true and submitted charge-sheet against the petitioners.

5. It would be relevant to note here that petitioner no.2 is a P.D.S. dealer.

6. Considering the allegations made in the FIR, statements of witnesses recorded under Section 161(3) of the Cr. P.C. and the police report submitted under Section 173 (2) of the Cr. P.C., the learned Magistrate took cognizance of the offence punishable under Section 7 of the Essential Commodities Act against the petitioners and summoned them to face trial vide impugned order dated 02.02.2016.

7. Regard being had to the materials collected during investigation, I see no illegality in the order impugned passed by the court below.

8. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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