

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20437 of 2014

Arising Out of PS.Case No. -47 Year- 2012 Thana -MADHUBANI TOWN District- MADHUBANI

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Vijay Kumar Pradhan @ Vijay Pradhan Son of Late Bharat Pradhan
Resident of Mohalla - Lohapatti, Road Suratganj, Ward No. 16, Police
Station - Madhubani, District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
Mr. Manoj Kumar, Adocate

For the Opposite Party/s : Mr. Mustaq Alam (APP)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 25-08-2017 Heard learned counsel for the State and the State.

Counsel for the petitioner submits that there is no requirement of any license for storage and sale of cement and as such no case under Section 7 of the Essential Commodities Act is maintainable against the petitioner.

The order taking cognizance is dated 27.3.2014 and not only cognizance was taken under Section 7 of the Essential Commodities Act but also for the offences under Sections 419, 420 and 414 of the Indian Penal Code.

Considering the totality of the fact situation, keeping the matter pending here in this Court will not serve any purpose. The application is accordingly, disposed of with liberty to the



petitioner to raise all such points including that Section 7 of the Essential Commodities Act is not attracted in the instant case as the storage and sale of cement does not come within the purview of Section 7 of the E.C. Act as there is no requirement of license for the same.

If such petition is filed on behalf of the petitioner before the court below, it goes without saying that the court below will pass reasoned order on the submissions as would be advanced by the petitioner in the court below at the earliest preferably within a period of three months from the date of filing of such petition along with a copy of this order.

With the aforesaid observations, the petition stands disposed of.

(Anil Kumar Upadhyay, J)

S.Pandey/-

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