

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1066 of 2016

Arising Out of PS. Case No.-26 Year-2015 Thana- NOORSARAI District- Nalanda

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Suresh Prasad S/o Sidheshwar Prasad, Prop Shankar Traders, resident of
Village Noorsarai, Police Station Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. P.N.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 10-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 26.11.2015 passed by the SDJM, Nalanda in Noorsarai P.S. case no. 26 of 2015 by which learned Magistrate has taken cognizance for the offence under Sections 420 of the IPC and Section 7 of the Essential Commodities Act.

Heard learned counsel for the petitioner and State.

Learned counsel for the petitioner has submitted that name of this petitioner has been taken by the proprietor of Durga Khaad Agency where inspection was made. No inspection of the shop of the petitioner was made.



In the written report, it is alleged that shop of Durga Khaad Agency was inspected and several types of fertilizers were recovered as mentioned in the written report. The proprietor of Durga Khaad Agency disclosed that he has received 100 bags of urea from Suresh Prasad Proprietor of Shankar Traders, Noorsarai. The inspection report is part of the FIR wherein it is mentioned that the informant went for enquiry of the aforesaid statement made by the proprietor Durga Khaad Agency to the shop of this petitioner where he had stated that he had given 100 bags of urea to the proprietor of Durga Khaad Agency.

The police after investigation has submitted charge sheet against this petitioner and thereafter cognizance has been taken against this petitioner. The Court below is only required to see *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in impugned order passed by the Court below.

This Cr. Misc. petition is, accordingly, dismissed.

The petitioner is given liberty to raise all the points, as raised in the present application, at the time of framing of charge, which shall be considered and disposed off by the learned court below in accordance with law without being



prejudiced by this order.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
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