

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.913 of 2016**

Arising Out of PS.Case No. -290 Year- 2014 Thana -DANAPUR District- PATNA

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1. Upendra Kumar Yadav Son of Shiv Shankar Sinha, resident of Saguna Shiv Mandir, P.S. Danapur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
Mr. Nilesh Kumar, Adv

For the Opposite Party/s : Mr. Rajendra Nath Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 05-10-2018

Heard learned counsel for the petitioner as well as learned APP.

2. The controversy with regard to applicability of Section 7 of the E.C. Act relating to PDS dealers is found settled at rest by the Division Bench in the case of *Arjun Paswan v. State of Bihar* as reported in *2011(3) PLJR 964* observing that the PDS dealers are also liable to be prosecuted for violation of the specific order under Section 7 of the E.C. Act.

3. Learned counsel for the petitioner has submitted that there happens to be no discloser with regard to violation of specific control order. That means to say, it suffers from vagueness and so, the order impugned, on that very score, suffers from ambiguity as well as illegality.

4. Learned APP controverted the same.



5. The order impugned is the order of cognizance and that is always taken with regard to penal offence. The submissions having been at the end of the petitioner is subject of framing of charge which the learned lower court at the end of appropriate stage will consider. In light thereof, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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