

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4190 of 2015**

Arising Out of P.S. Case No.-565 Year-2014 Thana- SITAMARHI District- Sitamarhi

Manish Hisaria Son of Shri Kalicharan Hisarai, Resident of Koat Bazar,
Punoura, P.O. P.S. Town and District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 25-03-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That the present application has been
filed for quashing of the order dated 07.11.2014
passed by Chief Judicial Magistrate, Sadar
Sitamarhi in connection with Sitamarhi P.S. Case
No. 565/2014 dated 13.7.2014 (G.R. No.
2368/2014/Tr. No. 3633/2014) whereby cognizance
has been taken against the petitioner for the alleged
offence under Section 7 of the Essential
Commodities Act, without any authority of law and
as such liable to be quashed.”*

3. After some arguments, learned counsel for the
petitioner submitted that he may be permitted to withdraw the



application with liberty to raise all points available to him, including those raised in the present application, before the Court below itself at the time of framing of charge.

4. Learned A.P.P. does not oppose.

5. In view thereof, as prayed for by learned counsel for the petitioner, the application stands disposed off as withdrawn with liberty aforesaid.

6. If the petitioner files an application before the Court below at the time of framing of charge, the Court below shall consider the same, in accordance with law, and pass order, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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