

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24998 of 2019

Arising Out of PS. Case No.-4 Year-1983 Thana- GAYA COMPLAINT CASE District- Gaya

1. GOPAL PADIA @ Gopal Prasad Padia,
2. Mahendra Padia @ Mahendra Kumar Padia
Both Sons of Late Kishun Lal Padia, Resident of Village - Warisaliganj, P.S.-
Warisaliganj, District- Nawadah

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Roy

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners, in the present case, are seeking anticipatory bail in connection with Complaint Case No.4 of 1983 registered for the offence punishable under Section 7 of the E.C. Act.

As per the prosecution case, on a joint petition filed by the retail dealers attached to the petitioners' firm on 14.10.1982 an enquiry was conducted by the District Supply Officer, Nawada on the direction of the District Magistrate, Nawada at the firm of the petitioners who found gross irregularity. It is further alleged that on 26.02.1983, the District



Supply Officer visited the premises of M/s J.K. Padia and sons and seized the cash book and sale registers. It is further alleged that the petitioner's firm was realizing Rs.400/- for supplying the 200 liters of kerosene oil instead of Rs.376 and used to supply less quantity.

It appears from the statements made in the application that cognizance under Section 7 of the E.C. Act was taken as back as on 22.08.1983. The petitioners had moved this Court for quashing of the order taking cognizance vide Cr.Misc.No.10264 of 1983 and they were fully aware of the issuance of summons but then petitioners does not disclose as to when 482 Cr.P.C. application of the petitioners was rejected by this Court. In the impugned order passed by the Additional Sessions Judge-I, Nawada it has come that Cr.Misc.No.10264 of 1983 was disposed off on 09.09.1986 and the same was communicated to the court below. Apparently, the Hon'ble High Court had dismissed the application under Section 482 Cr.P.C. The Hon'ble High Court while disposing of the 482 Cr.P.C. application had given an observation that the petitioners will raise all the points at the time of framing of charge.

There is no reason to entertain this application at this stage when the petitioners chose to file an anticipatory bail



application after 33 years of the rejection of their quashing application under Section 482 Cr.P.C. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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