

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.514 of 2018

Arising Out of PS. Case No.-36 Year-2012 Thana- PALASI District- Araria

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Md. Alam S/o Samsuddin, R/o Balua Jagir, Jhala, District- Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-09-2019

Heard learned counsel for the parties.

2. The petitioner is one of the accused in connection with Palasi P.S. Case No.36 of 2012 registered under Section 7 of the Essential Commodities Act.

3. The petitioner has challenged the order of cognizance dated 15.01.2013 passed in the aforesaid case whereby cognizance has been taken against the petitioner for offences under Section 7 of the Essential Commodities Act.

4. According to FIR, on secret information the police intercepted a truck bearing registration No.BR-38C/1219 and from the truck huge quantity of mustard oil, sugar, refine oil and grains were seized. The driver and the cleaner of the truck, namely, Pramod Paswan and Md. Abid, disclosed that the



articles were of the petitioner.

5. Submission is that the petitioner is not a PDS dealer and the offence alleged is not made out against the petitioner for the reason that the seized articles are not controlled items. This fact has been examined in detail by a coordinate Bench of this Court in Cr. Misc. No.20503 of 2013 (Annexure-3) while considering the application under Section 482 Cr.P.C. against the same order challenged by the driver and the cleaner of the truck and by order dated 09.05.2014 the impugned order was quashed.

6. The same principle and reasoning is applicable in the matter of petitioner also. Hence, the impugned order stands quashed and the application is allowed.

(Birendra Kumar, J)

Mkr./-

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