

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77368 of 2019

Arising Out of PS. Case No.-520 Year-2017 Thana- BODHGAYA District- Gaya

=====

Munna Kumar, aged about 40 years, male, Son of Ramjatan Singh Resident of Village-Nima, P.S.-Bodhgaya, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Assistant District Supply Officer Sadar, Gaya.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar-Advocate
For the Opposite Party/s : Mr. Ajit Kumar-A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-12-2019 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor.

This application has been filed for quashing the first information report of Bodhgaya P.S. Case No.520 of 2017 by which case has been registered under Section 7 of the E. C. Act.

The ground taken by the petitioner for quashing of F.I.R. is that he is not the dealer and license has been issued in the name of PACCS, Basarih and as such the prosecution under Section 7 of the E. C. Act against the petitioner, is itself bad.

On the other hand, learned A.P.P. opposed the prayer for quashing of the F.I.R. on the ground that F.I.R. discloses the allegation against the petitioner also as he is the Chairman of the Basarih PACCS and as such, there are allegation that grains of



PDS system of the shop of the petitioner was kept in the house of one co-accused and sent for blackmarketing.

Having heard both sides. Considering the materials available on the record, it cannot be said that no allegation is made out against the petitioner rather the petitioner is the Chairman of the PACCS and there is allegation against him of violation of the terms and conditions of the license.

In view of the above facts, I am not inclined to interfere with the F.I.R. lodged against the petitioner. It is always open to the petitioner to participate in the investigation and raise his grievance at an appropriate stage.

Accordingly, present quashing application stands dismissed.

(Vinod Kumar Sinha, J)

Vikash/-

U		T	
---	--	---	--

