

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.714 of 2018

Arising Out of PS. Case No.-162 Year-2017 Thana- TEGHRA District- Begusarai

Rajeev Kumar S/o Kishori Sah R/o Mohalla- Muradan Tola, P.S.- Teghara,
District- Begusarai proprietor of M/s Bhagwati (Godown) at Village-
Salempur Titu (Near Loha Pul) P.S.- Teghara, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate cum Collector , Begusarai.
3. The Sub Divisional Officer, Teghra, Begusarai.
4. The Block Supply Officer, Teghra.
5. The Marketing Officer, Teghara, Begusarai.
6. The Deputy Superintendent of Police, Teghra, Begusarai.
7. The Officer In Charge, P.S.- Teghra, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 08-01-2019

This writ petition has been filed by the petitioner for quashing of Teghra P.S. Case No.162 of 2017 registered under Section 7 of the Essential Commodities Act, 1955 and Section 414 read with 34 of the Indian Penal Code.

2. The first information report has been brought on record as Annexure-1 to the writ petition.

3. The informant of the case is one Arbind Kumar, the Block Supply Officer, Teghra, Begusarai. In his written report submitted to the Officer-in-charge of Teghra Police Station, he has alleged that on 26.05.2017 at about 2:00 p.m., he received a



confidential information that the petitioner Rajeev Kumar has hired a godown near Salempur Titu bridge, Teghra Bazar. He has stored huge quantity of stolen rice and wheat in the said godown and is trying to transport the same to a distant place. He informed about the confidential information received to senior officers and as per direction of the senior administrative officers, he along with others reached at the place of occurrence and found that several bags of food-grains were loaded in a truck. On inquiry, one Manish Kumar, who was present there, stated that he was an employee of the petitioner. On enquiry about the papers of the food-grain being loaded in the truck, he stated that presently he is not in possession of any paper. He talked to the petitioner on phone, but he also failed to produce any document relating to rice being loaded on the truck or stored in the godown. Thereafter, a seizure list was prepared in presence of witnesses of 128 bags of rice loaded in the truck as also 126 bags of wheat and 312 bags of rice kept in the godown. The informant has further alleged that the stolen goods were being sent to a distant place with ulterior motive.

4. Considering the allegations made in the first information report, I am not inclined to quash the first information



report, as ingredients of a cognizable offence under Section 414 of the Indian Penal Code are attracted.

5. To hold investigation into a cognizable offence is statutory right of police. At this stage, any sort of defence advanced by the petitioner cannot be looked into.

6. In that view of the matter, I see no merit in this writ petition. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
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