

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1578 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- GRIYAK District- Nalanda

KUNDAN KUMAR Son of Late Pawan Choudhary Resident of village- Ashinpur, P.O.- Dhurlakh, P.S.- Muffasil Samastipur, District- Samastipur, authorized representative of M/s Shiva Enterprises, a Partnership firm having its Head office at 82, Jagannathpur, T. P.Nagar, Meerut (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar at Patna. Bihar
2. The District Magistrate, Nalanda at Biharsharif. Bihar
3. The Director General of Police, Patna. Bihar
4. The superintendent of Police, Nalanda at Biharsharif. Bihar
5. The Station Head Officer (S.H.O.), Giryak Police Station, District- Nalanda. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 18-12-2019 Heard learned counsel for the petitioner and the State.

The petitioner has approached this Court for quashing of the FIR of Giryak P.S. Case No. 21 of 2019.

Counsel appearing on behalf of the State submits that stricto senso provisions of Section 7 of the Essential Commodities Act may not apply but the petitioner cannot be granted clean chit as the other Section 420 of the Indian Penal Code is applicable. Learned counsel is correct in his statement



that milk is not a commodity which attracts the offence under Section 7 of the E.C. Act.

In view of the above, the present application to the extent of attraction of Section 7 E.C. Act is allowed and the FIR under Section 7 of EC Act is quashed.

However, it will not come in the way of the prosecution in proceeding with the case if the petitioner is found involved in any other offence under the Indian Penal Code.

It is made clear that if the vehicle is seized in connection with offence under Section 7 EC Act, then the authorities shall consider the desirability of release of the vehicle after quashing of FIR under Section 7 EC Act, if confiscation is not otherwise permissible.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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