

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20489 of 2019**

Arising Out of PS. Case No.-707 Year-2018 Thana- CHAPRA TOWN District- Saran

Bablu @ Sahid Ali S/o Hatim Ali Resident of N.C.C. Gali near Pankaj Cinera,
Dahiyaram P.S.-Chapra Town, District-Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. North Bihar Power Distribution Company Ltd., Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Kumar, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT**

Date : 01-12-2022

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The present petition has been filed for quashing the
FIR in connection with Saran Town P.S.Case No.707 of 2018
wherein the petitioner has been made accused for the offence
under Section 135 of the Bihar Electricity Act.

3. The prosecution case, in short, is that a raiding team
was constituted consisting of eight persons by the informant to
conduct the raid of a solitary shop/workshop, meant for making
wooden furniture. The raiding team reached the said shop namely
M/s Lalu Furniture and found the illegal use of energy, provided
by North Bihar Power Distribution Company Ltd. The illegal use
of energy was for making furniture and the same was of 3.532 Kw.



The raiding team, as such, assessed the theft of energy worth Rs.4,32,048/-. Furthermore, 5 to 7 persons including the petitioner have been alleged to make hindrance in the official act as also alleged to have abused the raiding team.

4. Learned counsel for the petitioner submits that the instant prosecution case against the petitioner is patently illegal and a misconceived one. Neither the workshop in question is owned by the petitioner nor the same is in his possession, nor even has any connection, whatsoever in any manner. Further submits that as a matter of fact the petitioner happens to be the relative of the owner of the workshop in question. He has no concern at all with the affairs of the said grievance. Unfortunately, the petitioner was present at the time of the said raid. Further submits that the petitioner craves leave of this Hon'ble Court to submit that none of the provisions made under Chapter XIV of the Electricity Act, 2003 is applicable/ made out against the petitioner in particular nor the same can be for the simple reason that neither he was using such illegal energy nor was associated with any such affairs.

5. Learned APP for the State submits that the petitioner involved in the illegal use of electricity consumption for making furniture in the shop and hence, Section 135 of the Bihar Electricity Act is made out against the petitioner.



6. Considering the nature of accusations in the FIR containing ingredients of offence against the petitioner, this Court is not inclined to interfere in the matter at this stage.

7. The petition stands dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2024
Transmission Date	18.03.2024

