

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18036 of 2017

Arising Out of PS. Case No.-54 Year-2012 Thana- SAKRI District- Madhubani

Raj Kumar Sah son of Baldev Sah, resident of Village- Sakari, P.S.- Sakari,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 12-10-2023

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The learned counsel for the petitioner submits
that the present quashing application has been filed seeking
quashing of the order dated 18.01.2013 passed by the
learned S.D.J.M, Madhubani, in T.R. No. 87 of 2016 arising
out of Sakari P.S. Case No. 54 of 2012, whereby the learned
S.D.J.M, Madhubani has taken cognizance of offence under
Section 7 of E.C. Act.

3. It is next submitted that an F.I.R came to be
instituted alleging that on 20.04.2012 at about 9:10 A.M,
the informant received a secret information that in the



leather godown situated near the Sakari Chowk, the petitioner was indulging in the business of food grains of F.C.I, as such, the godown was searched where three persons were found inside the godown engaged in repacking the bags, further the apprehended accused disclose their names and the petitioner informed that he purchased 300 bags from a truck driver in the night of 19.04.2012 after paying the consideration amount. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that a godown was raided where 300 bags of grain was recovered on which the petitioner disclosed that he had purchased the same from a truck driver for consideration, it is next submitted that petitioner is not a P.D.S. dealer and relies on an order of this Court in the case of *Arvind Kumar vs. State of Bihar* reported in **2014 (4) PLJR 255** wherein this Hon'ble Court on a similar fact that the petitioner of the said case being a private person cannot be proceeded under Section 7 of E.C. Act, quashed the entire proceeding, it is next submitted that since the petitioner is not a P.D.S. dealer and is a private citizen,



as such, he cannot be fastened with allegation under the E.C. Act.

4. The learned A.P.P. for the State opposes the present quashing application.

5. Considering the submissions, the order dated 18.01.2013 passed by the learned S.D.J.M, Madhubani, in T.R. No. 87 of 2016 arising out of Sakari P.S. Case No. 54 of 2012, whereby the learned S.D.J.M, Madhubani has taken cognizance of offence under Section 7 of E.C. Act, is hereby quashed.

(Satyavrat Verma, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	
Transmission Date	N.A

