

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11869 of 2021**

Arising Out of PS. Case No.-719 Year-2015 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. RAJU SAH @ RAJU KUMAR @ RAJ KUMAR S/o Kamla Prasad Resident of Village-Andigola Shyam Babu Road, P.S.-Nagar, District-Muzaffarpur.
 2. Aditya Raj S/o Raju Sah @ Raju Kumar @ Raj Kumar Resident of Village-Andigola Shyam Babu Road, P.S.-Nagar, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 13-09-2023 This application has been filed for quashing the order dated 26.10.2019 passed by the Court of Sub divisional Judicial Magistrate, (East), Muzaffarpur arising out of Town P.S. Case No. 719 of 2015.

2. By filing a decision of a coordinate bench of this Court reported in 2007 (2) PLJR page 289, the learned counsel for the petitioner has submitted that the petitioner is not a PDS dealer, as such, no cognizance can be taken against him under Section 7 of Essential Commodities Act, 1955.

3. The case referred by the learned counsel for the petitioner fully covers the present case as the petitioner is not a



PDS dealer.

4. On the other hand, Shri Shailendra Kumar, the learned APP has submitted that the petitioner was involved in dealing with the rice belonging to the Bihar State Food Corporation.

5. Considering the law laid down by the coordinate bench in the above noted case, the petition is allowed to the extent to Section 7 of Essential Commodities Act, 1955 only.

5. With these observations, this criminal miscellaneous petition is disposed of.

(Nawneet Kumar Pandey, J)

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