

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18097 of 2014

Arising Out of PS. Case No.-57 Year-2012 Thana- LAHERIMUHALLA District- Nalanda

1. Sitara Javi @ Sitara Devi and Ors. Daughter of Late Kalimuddin Siddiqui
2. Bijay Kumar @ Vijay Kumar Son of Shri Prasadi Sao
3. Sunil Kumar Son of Late Ramdas Yadav
4. Md. Aslam Ansari Son of Md. Kasim
All residents of Mohalla - Pakki Talab, Katarapar, P.S. - Laheri,
Biharsharif, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 04-04-2023 Heard the parties.

This application has been filed for quashing the order dated 29.05.2013 whereby and whereunder charges under Sections 406/409/418/420/421/424/34 of the Indian Penal Code have been framed against the petitioners in connection with Tr. No. 3391 of 2012 corresponding to G.R. No. 674 of 2012 arising out of Laheri P.S. Case No. 57 of 2012 pending in the Court of S.D.J.M., Biharsharif, Nalanda.

The prosecution story on the basis of written complaint dated 23.03.2012 of the Marketing Officer, Municipal Corporation Area, Biharsharif is as follows:-



The informant in compliance of Letter No. 308/Aa dated 22.03.2012 issued by Sub Divisional Officer, Bihar Sharif has informed that a complaint with regard to wrong distribution of ration/kerosene coupon and misuse in Ward No. 43 of Municipal Corporation Area, Bihar Sharif was given by one Md. Israfil Mallik which had been enquired into.

From the enquiry, it was manifest that on the introduction by Ward Councillor Nazia Tabassum, the Tax Collector of Ward No. 43 viz., Gaurishankar Rai in the year 2011-12 instead of giving ration/kerosene coupons to the correct beneficiaries had handed over the same to wrong persons, which was being misused by all four Public Distributor System (PDS) Dealers viz., Vijay Kumar, Sunil Kumar, Md. Aslam Ansari & Smt. Sitara Javi with the help of the Ward Councillors and wrong persons for several months. The used coupons were being submitted in the office and stock for the coming months was being taken.

Despite repeated directions to the PDS Dealers, the correct persons were not identified and the wrong persons continued lifting ration/kerosene oil and the real beneficiaries were being deprived of the governmental benefits.

It was manifest that under the B.P.L./Antyodaya schemes, the Ward Councillor, with an intention to commit fraud, wrongly identified ineligible persons and got coupons distributed through Tax Collector of Ward No. 43 in the year 2011-12. The four PDS dealers misappropriated funds by intentionally lifting stocks in the name of fake persons without verifying the correct details of the consumers as per the coupons.

As such, the informant requested that an F.I.R. be registered against the Nazia Tabassum, Ward Councillor; Gaurishankar Rai, Tax Collector and the four PDS Dealers Vijay Kumar, Sunil Kumar, Md. Aslam Ansari & Sitara Javi (the petitioners) under appropriate Sections.

The petitioners have moved this Court for challenging the cancellation of licences and its affirmation by the District



Magistrate, Nalanda and the same has been allowed and the licences of the petitioners have been restored in C.W.J.C. No. 12483 of 2013 by order dated 27.01.2015.

For the reasons mentioned in the order dated 27.01.2015 passed in C.W.J.C. No. 12483 of 2013, this application is allowed.

Accordingly, the order dated 29.05.2013 whereby and whereunder charges under Sections 406/409/418/420/421/424/ 34 of the Indian Penal Code which have been framed against the petitioners in connection with Tr. No. 3391 of 2012 corresponding to G.R. No. 674 of 2012 arising out of Laheri P.S. Case No. 57 of 2012 pending in the Court of S.D.J.M., Biharsharif, Nalanda is hereby quashed.

(Sandeep Kumar, J)

Saif/-

U		T	
---	--	---	--

