

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45508 of 2018

Arising Out of PS. Case No.-297 Year-2017 Thana- DARBHANGA SADAR District-
Darbhanga

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SHATRUGHANA SAH @ SHATRUGHAN SAH @ SHATRUDHAN SAH
S/o Late Jharokhi Sah, Resident of village- Laxmipur, Tethan, P.S. Sadar,
District- Dharbhanga.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rajesh Kumar S/O Prem Prasad, Resident of Mohall- Murarpur, District-
Nalanda, presently posted as Block Supply Officer-cum- Circle Officer, Sadar
Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Nafisuzzoha, Advocate
For the Opposite Party/s :		Mr. Sri Uday Chand Prasad, APP
For the State	:	Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This application has been filed for quashing of the
order dated 21.04.2018 passed by learned Chief Judicial
Magistrate, Darbhanga in connection with Darbhanga Sadar P.S.
Case No. 297 of 2017 by which learned Magistrate has taken
cognizance against the petitioner for the offence under Section 7
E.C. Act.

The prosecution case in brief is that the informant
Rajesh Kumar who is a Block Supply Officer-cum-Circle
Officer at Sadar Darbhanga received a confidential information
that the petitioner Shatrughana Sah who is a PDS dealer is
selling the food grains of the government in black market. In
pursuant to the said information, the informant raided the



Vehicle no. BR 7G-0211 and seized 19 bags of rice and 20 bags of wheat from the said vehicle and accordingly, this F.I.R has been lodged.

It has been submitted by learned counsel for the petitioner that for the same occurrence, the license of the petitioner was cancelled which has been subsequently restored on 15.06.2018 by the Sub-Divisional Officer, Sadar Darbhanga who is the licensing authority.

In the opinion of this Court, when the license has been restored, the petitioner cannot be persecuted for the same allegation in a criminal case, therefore, the present F.I.R. is nothing but an abuse of the process of law.

Accordingly, this application is allowed and the order dated 21.04.2018 passed by learned C.J.M, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 297 of 2017 for the offence under Section 7 E.C. Act and all consequential proceedings arising out of the aforesaid F.I.R. are hereby quashed in the interest of justice.

(Sandeep Kumar, J)

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