

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.956 of 2021

Arising Out of PS. Case No.-360 Year-2021 Thana- SAUR BAZAR District- Saharsa

Md Nakib Alam S/o Md. Raki Ahmad, Proprietor, Saharsa Rice Mill, Chikni
Kakshini, P.S.- Sour Bazar, District- Saharsa (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar Patna.
2. The Secretary, Food And Consumer Protection Govt. of Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The Superintendent of Police, Saharsa.
5. Sri Ujjawal Kumar Patel, Labour Superintendent, Saharsa.
6. The Sub Divisional Officer, Sadar Saharsa.
7. The District Co- Operative Officer, Saharsa.
8. The District Manager, State Food Corporation, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Purnendu Keshav, Adv.
For the Respondent/s : Mr. Arvind Ujjwal, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present Cr. Writ Petition has been filed for quashing of F.I.R. i.e. Sour Bazar (Saharsa District) P.S. Case No. 360 of 2021 dated 20.07.2021 lodged under Section 420, 406, 409, 188, 353/34 of the Indian Penal Code. In addition to the said prayer, other prayer has also been made for not taking any coercive step against the petitioner and Chief Secretary, Government of Bihar may be directed to constitute a high level



committee for holding a full-fledged inquiry and take action against respondent No.5 as they did not allow the petitioner to operate his Mill. Petitioner has made further prayer to compensate him adequately and sufficiently by paying a consolidated sum of Rs.1 crore on account of his loss of business, undue harassment and loss of face.

Learned counsel for the petitioner submits that under the scheme of decentralized paddy procurement launched by the Government of Bihar for the *Kharif* Season 2020-21, a district task force was constituted in every district. It has been submitted that petitioner is proprietor of one of the Rice Mill namely Saharsa Rice Mill having milling capacity of 2 metric ton per hour or 36 metric ton per day. Total five PACS and Vyapar Mandals were tagged with the Mill of petitioner. Vide resolution dated 16.12.2020 petitioner was ordered to entered into an agreement on their own with the Miller for milling of paddy procured by them and for procuring rice from the Miller and further to supply it to the approved go-down of State Food Corporation. Learned counsel submits that F.I.R. has been filed at the instance of Labour Superintendent, Saharsa.

Learned counsel for the State opposes the prayer of petitioner and submits that there is a specific allegation against



the petitioner of breach of trust and fraud. It has come that the quality of paddy are not good which was not usable for milling. It is also there that total 2438.60 metric ton paddy was supplied but only 1377 metric ton rice has been supplied to State Food Corporation, Saharsa. The allegation of selling the said non-delivered paddy is there in the F.I.R. against the petitioner and others.

In this view of the matter, it is not appropriate for this Court to interfere in the allegation made in the F.I.R. and it requires investigation.

With this observation, the present Cr. Writ Petition stands dismissed.

(Dr. Anshuman, J.)

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