

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1200 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- KUNAU LI District- Supaul

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RANJEET KUMAR SAH S/o Shivchandra Sah Resident of Dagmara, P.S.-
Kunauli, District- Supaul ... Petitioner

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, DEPTT. OF AGRICULTURE, GOVT. OF BIHAR, PATNA
2. The District Magistrate, Supail Bihar
3. The Sub-Divisional Officer, Nirmali, Supaul Bihar
4. The District Agriculture Officer, Nirmali Supaul Bihar
5. The Block Development Officer, Nirmali Supaul Bihar
6. The Block Agriculture Officer, Nirmali, Supaul Bihar ... Respondents

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Appearance :

For the Petitioner : Mr. S.D. Sanjay, Sr. Adv. with
Mrs. Priya Gupta, Adv.

For the Respondents : Mr. Dhurjati Kumar Prasad, GP XIV

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-04-2023 Counsel for the petitioner is directed to add the Superintendent of Police, Supaul, as party respondent no. 7 to this case.

Counsel for the petitioner is directed to file the original petition within two weeks.

Heard learned counsel for the petitioner and the State.

The present writ petition has been filed for quashing of the first information report bearing Kunauli (Dagmara O.P.) P.S. Case No. 93 of 2020 (G.R. No. 694 of 2020), dated 12.09.2020, registered under Section 7 of the Essential Commodities Act.



Counsel for the petitioner fairly submits that charge sheet has already been filed in this case, but, even then he argues that the materials which are on record has not been taken care-off particularly the representations of Vikas Kumar Mehta, who has categorically stated in Annexure 3 that he has purchased 169 bags of fertilizers from the petitioner and secondly Section 35 of the Fertilizers (Control) Order, 1985, as there is no specific order of the Controller to maintain the Bhandar and Vitran Panji is there and without considering these two aspects charge sheet has been submitted.

Counsel for the State submits that the petitioner wants to quash the first information report and from perusal it appears that the first information report offence has been constituted and, therefore, on this ground the first information report can not be quashed and writ petition should be dismissed. He further submits that charge sheet has been filed and petitioner has remedy at other stage of the case to defend himself. Counsel further submits that at worst the petitioner may be directed to represent himself before the Superintendent of Police, Supaul (respondent no. 7) in the light of the order passed by the coordinate Bench in Cr.W.J.C. No. 153 of 2017 (Surendra Singh Vrs. State of Bihar & Ors.) and analogous cases decided



on 09.09.2022.

Upon going through the contents, arguments and considering the position of law, this Court is hereby granting liberty to the petitioner that he may represent himself before the Superintendent of Police, Supaul, who shall consider and take appropriate decision, if necessary under Section 173(8) of the Criminal Procedure Code within 60 days from the date of filing representation.

(Dr. Anshuman, J)

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