

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1563 of 2017

Arising Out of PS. Case No.-46 Year-2017 Thana- AGIAON District- Bhojpur

Sanjay Kumar Shukla Son of Late Surendra Shukla, R/o Village-
Dhamaniyan, P.S.- Agiaon, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Food And Consumer Protection Department, Government
2. The District Magistrate , District Bhojpur, Bihar.
3. The Sub-Divisional Officer, Ara Sadar, District- Bhojpur, Bihar.
4. The Block Supply Inspector, Garahani, District- Bhojpur, Bihar.
5. The Officer In Charge Cum Investigation Officer, P.S.- Agiaon, District- Bhojpur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC4

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 11-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This application has been filed for quashing of F.I.R
vide Agiaon P.S. Case No. 46 of 2017/ G.R. No. 1995 of 2017
registered for the offence under Section 7 of the Essential
Commodities Act.

As per the prosecution case, the Officer-In-Charge of
Garahani, Bhojpur on the direction of Sub-Divisional Officer ,
Sadar,Ara raided M/S. Saraswati Jee Rice Mills, Garahani and it
was found that illegal 52 quintals Rice and 1900 Kg Wheat were
recovered from premises of the petitioner.



It has been submitted by learned counsel for the State that investigation has been completed by the police.

Learned counsel for the petitioner has submitted that during investigation, no material has come for submission of charge-sheet but the charge-sheet has been submitted by the police. However, the proceedings are lying stayed.

Learned counsel for the State has examined the case diary and found that during investigation, no material has come to support the allegation of violation of provisions of Essential Commodities Act. The petitioner cannot be prosecuted on the basis of conjuncture and surmises.

In the aforesaid circumstances, this application is allowed. The F.I.R vide Agiaon P.S. Case No. 46 of 2017/ G.R. No. 1995 of 2017 registered for the offence under Section 7 of the Essential Commodities Act is hereby quashed in the interest of justice.

(Sandeep Kumar, J)

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