

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12491 of 2022

Arising Out of PS. Case No.-76 Year-2013 Thana- NAWADA MUFFASIL District- Nawada

Arjun Prasad @ Arbind Kumar, S/O Late Bega Saw R/O Village- Madhopur,
P.S.- Chandi, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Block Supply Officer, Nawada Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 08-02-2024 1.The learned counsel for the petitioner submits
- that by order dated 01.02.2024, the defect no.10, as
- pointed out by the office, was ignored, when it ought to have
- been defect no.11.
- 2.As such, it is prayed that the order dated
- 01.02.2024 be modified to read that defect no.11 is ignored
- instead of defect no.10 is ignored.
- 3.In view of the submission made by the learned
- counsel for the petitioner, the defect no.11 is ignored.
- 4.Heard learned counsel for the petitioner and
- learned APP for the State.
- 5.The learned counsel for the petitioner submits



that the present quashing application has been filed seeking quashing of the order dated 02.11.2020 passed by the learned Chief Judicial Magistrate, Nawada in Nawada Muffasil P. S. Case No.76 of 2013, whereby cognizance of offence under Section 7 of the E. C. Act has been taken.

6.The learned counsel for the petitioner next submits that the informant alleges that on 28.05.2013 at 9.30 P.M., one truck bearing Registration No.JH-11E-8571 was found standing and on seeing the police force, the driver and other persons fled away taking advantage of the darkness and on search, three copies of challan dated 26.05.2013 were recovered. Further, 540 bags of rice (270 quintal) was also recovered from the aforesaid truck. It is thus alleged that rice was being taken to the market for the purposes of black marketing.

7.The learned counsel next submits that petitioner has been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not disclose as to which order of the E. C. Act has been violated based



on which an offence under Section 7 of the E. C. Act has been committed.

8. It is also submitted placing reliance on Para-18 of the quashing application that petitioner is not a PDS dealer, as such, E.C. Act would not apply on a private citizen and for the said proposition relies on an order of this Court in the case of **Arvind Kumar vs. the State of Bihar 2014 (4) P.L.J.R. 255**, wherein this Hon'ble Court on a similar fact that the petitioner of the said case being a private person cannot be proceeded under Section 7 of the E. C. Act, had quashed the entire proceeding.

9. The learned Additional P. P. for the state opposes the quashing application.

10. Considering the submission made by the learned counsel for the petitioner, the order dated 02.11.2020 passed by the learned Chief Judicial Magistrate, Nawada in Nawada Muffasil P. S. Case No.76 of 2013, whereby cognizance of offence under Section 7 of the E. C. Act has been taken, **is hereby quashed.**

11. It is made clear that the order of



cognizance has been quashed only with respect to the
petitioner herein.

(Satyavrat Verma, J)

vikash/-

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

