

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52982 of 2017

Arising Out of PS. Case No.-64 Year-2014 Thana- ATRI District- Gaya

-
1. Anjay Kumar, Son of Nathun Prasad,
 2. Madan Kumar, Son of Nathun Prasad,
 3. Satish Kumar, Son of Kamta Prasad, All resident of Village- Kewti, P.S.- Atri, District- Gaya.
 4. Dilip Kumar, Son of Late Balmiki Singh, Resident of Village- Bana, P.S.- Khizarsarai, District- Gaya.

... .. Petitioner/s

Versus

1. State Of Bihar
2. The Officer Incharge Police Station Atari, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh
For the Opposite Party/s : Mr.Sri Nand Kishore Pd

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 06.11.2015 passed by the learned A.C.J.M.-IInd, Gaya in connection with Atari P.S. Case No. 64 of 2014 whereby cognizance for offence under Section 7 of E.C. Act has been taken.

3. The learned counsel next submits that the informant in the F.I.R. alleges that an escort tractor bearing No.BR-2C-



1601 was asked to stop on which two persons were sitting who disclosed their name as Satish (owner of the tractor) and Anjay Kumar (petitioner No.1 herein), brother of Madan Yadav. Further, on the tractor, rice were loaded in jute bags and the accused persons disclosed that the rice was distributed in the school of Chakra Panchayat at Village Kewati and the petitioner No.1 is a teacher in Kewati Middle School and his brother, Madan Kumar @ Madan Yadav is a contractor of Midday Meal School in Atri block and and petitioner No.4 is block Sadhan Sevi, Atri who had given rice for distribution.

4. The learned counsel raises a short issues and submits that the petitioner are not PDS dealer nor the F.I.R. disclosed as to which order of the E.C. Act was violated. It is next submitted that since the petitioners are not the PDS dealer, as such, they cannot be prosecuted under Section 7 of the EC Act and for the said proposition relied the order of this Court in the case of **Arvind Kumar Vs. State of Bihar** reported in **2014 (4) P.L.J.R. 255** wherein this Hon'ble Court on a similar fact that the petitioners of the said case being a private person held that petitioners being a private persons cannot be prosecuted under Section 7 of the E.C. Act and quashed the entire proceeding.



5. Learned A.P.P. Mr. Chandrabhushan Prasad opposes the quashing application and submits that a counter affidavit has been filed on behalf of S.H.O., Atri but then in the counter affidavit, it is not denied that the petitioners are not P.D.S. dealer

6. Considering the submissions made by learned counsel for the petitioner and taking into consideration the order of this Court, as recorded in hereinabove, the order dated 06.11.2015 passed by learned A.C.J.M.-IIInd, Gaya in connection with Atari P.S. Case No. 64 of 2014 whereby cognizance of offence under Section 7 of the E.C. Act has been taken is hereby quashed.

7. The counter affidavit filed is taken on record.

(Satyavrat Verma, J)

sanjeev/-

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

