

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64556 of 2019

Arising Out of PS. Case No.-78 Year-2013 Thana- PASRAHA District- Khagaria

PARMANAND SINGH Son of Late Domi Singh Resident of Village -
Dinachakla, P.S.- Pasraha, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Praveen Kumar Agrawal, Adv.
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-01-2024 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The learned APP at the outset submits that in
compliance of the order dated 12.07.2023, a counter affidavit
has been filed on behalf of the Block Supply Officer.

3. The learned counsel for the petitioner submits that
the petitioner has been falsely implicated in the present case. It
is next submitted that the allegation does not even disclose as to
which order of the E.C. Act was violated by the petitioner. It is
next submitted that in sum and substance the allegation against
the petitioner is that during the course of inspection he was not
found present at the shop but then the inspection which was
carried out and in pursuance whereof inquiry report was
submitted that does not even remotely suggest that there was



any shortage of food-grains, it is thus submitted that when during the course of inspection, the stock register, distribution register and Cash-memo were found to be in order, as such merely implicating the petitioner on the premise that he was not present when the inspection was carried out without seeking his explanation in itself demonstrates that for ulterior reason the F.I.R. was instituted. It is thus submitted that when prima facie no offence is made out then taking of cognizance under Section 7 of the E.C. Act in itself is bad and the learned trial court ought to have allowed the application filed by the petitioner under Section 258 Cr.P.C. seeking to stop the trial but then in a mechanical manner the same also came to be rejected by order dated 29.07.2019, which is impugned in the present quashing application.

4. The learned APP though rebuts the submissions of the learned counsel for the petitioner but then is not in a position to rebut the submission of the learned counsel for the petitioner that during the course of inspection no irregularities were found.

5. Considering the submissions made by the learned counsel for the petitioner and also taking into consideration the averments made in the counter affidavit, the order dated 29.07.2019 passed by the learned S.D.J.M., Khagaria in Pasraha



P.S. Case No.78/2013, G.R. No.1784/2013, whereby petition
filed under Section 258 Cr.P.C. on behalf of the petitioner has
been rejected, is hereby quashed.

(Satyavrat Verma, J)

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