

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14023 of 2019

Arising Out of PS. Case No.-9 Year-2018 Thana- BAISI District- Purnia

Md. Junaid Alam Son Of Late Abdul Hasan R/O Village- Harirampur, P.S-
Baisi District Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Kumar Mandal Son of Late Chano Prasad Mandal R/o village-
Satrampur, P.S- Pranpur, Dist- Katihar then Block Supply officer, Baisi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-04-2025 This is an application for quashing of the order dated 11.09.2018 passed by the learned S.D.J.M., Purnea by which cognizance has been taken against the petitioner under Sections 7 of the Essential Commodities Act and under Sections 420, 406/34 of the Indian Penal Code.

2. As per the prosecution case, officer-in-charge Baisi police station seized a tractor and after search, he recovered total 21 quintals 50 Kg handstitched government rice which was being carried from the fair price shop of the petitioner for black marketing. Thereafter, physical verification of the PDS shop of the petitioner was done and 5 quintals and 68 Kg of wheat and 9 quintals and 21 Kg of rice was found less in quantity.



3. Petitioner wants his defence to be examined by this Court at the stage of cognizance which is not permissible in law. The Court below has found prima-facie case against the petitioner and has taken cognizance.

4. This application is disposed of with liberty to the petitioner to raise all the grounds at the stage of framing of charge.

(Sandeep Kumar, J)

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