

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9636 of 2021

Arising Out of PS. Case No.-74 Year-2018 Thana- AWTARNAGAR District- Saran

1. REKHA DEVI Wife of Lal Babu Singh Resident of Village - Jhaua, P.S.-
Awatar Nagar, District - Saran at Chapra
2. Lalan Singh Son of Late Kailash Singh Resident of Village - Jhaua, P.S.-
Awatar Nagar, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-03-2025 Heard the parties including the learned APP for the

State Shri Shyam Kr. Singh.

2. This application has been filed on behalf of the
petitioners for quashing the cognizance order dated
06.11.2019/27.11.2019 passed by learned SDJM, Saran at
Chapra in Tr. No. 2614 of 2020 arising out of Awatar Nagar P.S.
Case No. 74 of 2018 / G.R. No. 4306 of 2018.

3. The brief facts of the case is that an enquiry was
conducted under the direction of District Magistrate by the
enquiry team on 21.05.2018. In the enquiry, the PDS Shop of
the petitioners was inspected and the same was found closed.
Again the PDS shop of the petitioners was inspected on
22.05.2018 by the Sub-Divisional Officer and again the PDS
shop of the petitioners was found closed and it has also been
alleged that the petitioners have not provided any documents
related to the PDS shop and they are indulged in the black



marketing of the subsidized food grains.

4. It has been submitted by the learned counsel for the petitioners that all the allegations levelled against them is false and fabricated and the Block Supply Officer, Dighwara, on presumption, has suspended the license of the PDS shop and the case was registered against the petitioners and other accused persons.

5. It has further been submitted by the learned counsel for the petitioners that the during the course of inspection on the very first day i.e. on 21.05.2018, the petitioners were present and there was no irregularity in the shop of the petitioners and on 22.05.2018, the petitioners have also distributed the food grain till 8:30 A.M. and thereafter they have gone to Dighwara for depositing the amount in account of Bihar State Food and Civil Supplies Corporation Limited, Chhapra in Bank of India, Dighwara for lifting the food grain for June 2018.

6. Learned counsel for the petitioners has further submitted that during the course of investigation, neither the villagers nor consumers of the petitioners have stated about any irregularity in the PDS shop of the petitioners.

7. Learned counsel for the petitioners has further



submitted that the SDO, Sonapur has suspended the license of the petitioners vide Memo No. 266 dated 26.05.2018 but in the light of the Letter dated 16.08.2018, the suspension of the license of the PDS shop of both the petitioners have been revoked by the SDO, Sonapur.

8. I have gone through the impugned order and also perused the materials available on record.

9. From the letter dated 16.08.2018, written by the Block Supply Officer, Saran, this Court is of the view that no offence is made out against the petitioners and the continuance of the prosecution of the petitioners will be abuse of the process of the Court.

10. Accordingly, this application is allowed and the cognizance order dated 06.11.2019/27.11.2019 passed by learned SDJM, Saran at Chapra in Tr. No. 2614 of 2020 arising out of Awatar Nagar P.S. Case No. 74 of 2018 / G.R. No. 4306 of 2018 is hereby quashed.

(Sandeep Kumar, J)

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