

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4814 of 2017

Arising Out of PS. Case No.-205 Year-2015 Thana- DAGARUA District- Purnia

1. Afsana Begam, Wife of Nizamuddin @ Md. Nizamuddin
2. Nizamuddin @ Md. Nizamuddin, Son of Late Januddin, Both residents of Village- Kanhariya, P.S.- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Anand, Adv. Mr. Roop Kishan, Adv.
For the State	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 06-02-2026 Mr. Vijay Anand, learned counsel appearing for the petitioners submits that the instant matter relates to the Essential Commodities Act (in short, 'EC Act') and a prayer to set aside the order dated 02.03.2016 by which the cognizance of the offence under section 7 of the EC Act has been taken against the petitioners, has been made in this application. The petitioner No. 1 was a PDS dealer at the time of the alleged occurrence but the petitioner No. 2 was not a PDS dealer and he has been made accused in this matter mainly on account of being the husband of the petitioner No. 1. It is further submitted that the trial of the petitioners for the offence under section 7 of the EC Act is to be conducted summarily, however, due to the said reason, despite the lapse of several years, there is no progress in the trial of the petitioners. As per the provisions of the EC Act, the trial is to be



concluded by the same presiding officer who took all the evidences and due to the delay in the trial of the petitioners, they are facing much hardship.

2. After the aforesaid arguments, learned counsel for the petitioners seeks permission to withdraw this application with a liberty to raise all the grounds taken by them in this application before the trial court at the time of final hearing and further, prays to direct the trial court to dispose of the petitioners' trial within three months.

3. Considering the aforesaid submissions and prayer, the instant petition stands disposed of as being withdrawn with giving the petitioners the liberty to raise all the grounds taken by them in this application before the trial court at the time of final hearing.

4. As the petitioners' trial relates to the year 2016 and as per petitioners' counsel there is no progress in their trial, so considering this aspect, the trial court is directed to expedite and decide the petitioners' trial at the earliest preferably in the next six months from the date of receipt of a copy of this Court's order.

(Shailendra Singh, J)

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