
(2009) 03 PAT CK 0069

In the Patna High Court

Anil Kishore Chaudhary @ Anil Chaudhary

APPELLANT

Vs

State of Bihar and Subhash Ram S.I.

RESPONDENT

Date of Decision : 26-03-2009

Acts Referred:

Essential Commodities Act, 1955 — Section 7

Citation : (2009) 4 PLJR 928

Hon'ble Judges : Mandhata Singh, J

Bench : Single Bench

Judgement

Mandhata Singh, J.

Heard the parties.

1. A tank lorry full of diesel was searched and seized and accordingly, finding violation of Bihar Motor Spirit and High Speed Diesel Oil Dealer's Licensing Order, 1966-Clause 12 read with Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998, a case was lodged for the offence u/s 7 of the Essential, Commodities Act.

2. In such case, submission of the learned Counsel for the petitioner is that petitioner is an employee of the Firm for which diesel was being carried by the tank lorry. Owner of the firm as well as owner of the tank lorry, Narayan Prasad Sultania, approached this Court for quashing the proceeding on the ground of authority of the police officials to search and seize the diesel. Really he was in the rank of Sub Inspector not authorized for the same. Plea was accepted and proceeding against him was quashed.

3. It is conceded by the learned A.P.P. also that nothing remains to decide against the petitioner or nothing can be left pending for facing prosecution against the petitioner.

4. I am also of the same view that once the prosecution is quashed against the owner of the firm as well as of tank lorry, his employee, the petitioner, cannot be

left to face the proceeding.

5. Accordingly, the order impugned dated 31.7.2006 passed by the Addl. Sessions Judge, F.T.C.-IV, Supaul, in Cr. Revision No. 184 of 2004 is quashed and this application is allowed.

This petition is thus disposed of.