
Naresh Kumar Bhagat and Another Vs State of Bihar

Criminal Miscellaneous No. 4579 of 2000

Court: Jharkhand High Court

Date of Decision: March 15, 2012

Acts Referred:

Essential Commodities Act, 1955 " Section 7

Citation: (2012) 2 JLJR 206

Hon'ble Judges: Prashant Kumar, J

Bench: Single Bench

Advocate: Mukesh Kumar Sinha, for the Appellant; Shreeprakash Jha, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Prashant Kumar, J.

This application is directed against the order dated 3.4.2000 passed by Special Judge, Essential Commodities Act,

Dhanbad in G.R. No. 88/99, whereby he took cognizance against the petitioners u/s 7 of the Essential Commodities Act. It is alleged that

petitioners contravened and violated the provisions of Bihar Trade Articles (Licences Unification) Order, 1984 (hereinafter referred as Unification

Order).

2. Mr. Mukesh Kumar Sinha, learned counsel appearing for the petitioners, submits that petitioners are not the licensee, therefore, they cannot be

prosecuted under the Essential Commodities Act. Accordingly, it is submitted that order of cognizance so far these petitioners are concerned are

liable to be set aside.

3. Having heard the submissions, I have gone through the records of the case.

4. From perusal of F.I.R., it appears that though co-accused Sohrai Ram is the licensee but on verification, it was found that petitioners were

running the business of Katras Gas Service as its Proprietor. It is alleged in the F.I.R. that co-accused Sohrai Ram is an employee of aforesaid Gas

Agency and he was getting salary of Rs. 2,000/- per month. It is further alleged that no stock register maintained in the said Gas Agency. It is not

out of place to mention that one of the condition enumerated in the license is that the proprietor must maintain a stock register. It is also alleged that

petitioners were supplying less quantity of gas with a view to fetch more money. Under the said circumstance, I find that the learned court below

rightly concluded that petitioners contravened the provisions of Unification Order.

5. In view of the discussions made above, I find no merit in this application, which is, accordingly, dismissed. It is made clear that above finding

given in this case will not prejudice petitioners in his defence during trial.