

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20425 of 2023

Arising Out of PS. Case No.-37 Year-2016 Thana- JAGDISHPUR District- Bhagalpur

RAMAN KUMAR SINGH SON OF LATE RAM CHANDRA PRASAD
SINGH RESIDENT OF VILLAGE - GAUTAM NAGAR, WARD NO - 11,
POLICE STATION - SAHARSA, POST OFFICE - SAHARSA, DISTRICT -
SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 11-05-2026

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks quashing of the order of cognizance dated 13.09.2018 passed by the learned Sub-Divisional Judicial Magistrate, Bhagalpur, in connection with Jagdishpur P.S. Case No. 37 of 2016, whereby cognizance was taken of offences punishable under Sections 406, 409, 420 and 120-B of the Indian Penal Code.

3. The prosecution case, as disclosed in the First Information Report and the charge-sheet, is as follows. On 03.02.2016, on the basis of secret information received, two trucks bearing registration numbers BR-10G-1884 and DL-1GA-6303



were intercepted near Baijani Petrol Pump on the Bhagalpur-Bounsi Road. Upon verification, the wheat bags loaded on the trucks were found to be marked "Govt. of Punjab, Crop Year 2015-2016" and bore machine stitching that had been replaced with hand stitching, suggesting tampering. A total of 822 bags of wheat weighing approximately 405 quintals were recovered. The seized wheat was handed over on zimmanama while the trucks were retained in police custody. The informant suspected the wheat to be subsidised government food grain intended for distribution under the Public Distribution System. Since the truck drivers fled the scene and no valid documents were produced, the contractor Raman Kumar Singh, the petitioner herein, and one Subodh Gupta were alleged to be involved in the illegal transportation and black marketing of the said food grains.

4. It is submitted on behalf of the petitioner that he was engaged as a Transport-cum-Handling Agent of the Bihar State Food and Civil Supplies Corporation, Bhagalpur, and that his role was strictly confined to the transportation of food grains from the railhead to the godowns of the Corporation. It is further submitted that the food grains in question were released in favour of one Alok Kumar by order dated 11.05.2016 (Annexure P/5 at page 54 of the paper book) passed in C.W.J.C. No. 7802 of 2016 (Alok



Kumar and others v. The State of Bihar and others). It is also submitted that the learned District and Sessions Judge, Bhagalpur, by order dated 17.11.2025 (Annexure P/9 of the Supplementary Affidavit), set aside the order of confiscation of Truck No. 84/2015-16 passed in Criminal Appeal No. 59 of 2017 (Raman Kumar Singh v. The State of Bihar and others).

5. Learned counsel for the petitioner further submits that the First Information Report does not disclose any contravention of an order made under Section 3 of the Essential Commodities Act, 1955, which is an indispensable condition precedent for prosecution under Section 7 of that Act. The allegation, as it stands, is one of involvement in black marketing simpliciter, without specification of any Control Order that the petitioner is alleged to have violated. It is submitted that the petitioner had no ownership, dominion, or proprietary interest over the food grains in question; the seized food grains belonged to one Alok Kumar. In the absence of any act of misappropriation, diversion, or dishonest application, the offences alleged against the petitioner are not made out even if the entirety of the prosecution case is taken at face value.



6. Learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the order of cognizance dated 13.09.2018 and submitted that the matter requires trial.

7. This Court has considered the submissions advanced on either side and has perused the First Information Report and the charge-sheet filed in the case.

8. The jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to quash criminal proceedings is well settled and is exercised sparingly and with circumspection. The power is invoked where, on a plain reading of the First Information Report and the accompanying material, no offence is made out, or where the continuation of the proceedings would constitute an abuse of the process of the court. This Court does not, at this stage, adjudicate upon disputed questions of fact or embark upon a mini-trial. The question is whether, assuming every allegation in the prosecution case to be true, the ingredients of the offences charged are, in law, disclosed against the accused.

9. Applying the aforesaid test to the present case, a perusal of the First Information Report and the charge-sheet reveals that there is no material to show that the petitioner sold, diverted, or otherwise misused the seized food grains for his own benefit or gain. The petitioner was a Transport-cum-Handling



Agent. His engagement was to move food grains from one designated point to another on behalf of the Corporation. In the absence of any allegation of dishonest application or wilful entrustment of the goods for a purpose inconsistent with the terms of the contract, the essential ingredients of criminal breach of trust under Section 406 of the Indian Penal Code are not made out. Similarly, Section 409 of the Indian Penal Code deals with criminal breach of trust by a servant, clerk or agent entrusted with dominion over property in his capacity as such. There is no allegation in the prosecution case that the petitioner had dominion over the food grains in question, or that he dishonestly misappropriated or converted them to his own use. The offence under Section 409 I.P.C. is therefore not attracted on the facts as alleged.

10. As regards Section 420 of the Indian Penal Code, the offence of cheating with dishonest inducement requires that the accused dishonestly induced the complainant to deliver property, or to make, alter, or destroy a valuable security. Neither the First Information Report nor the charge-sheet contains any allegation that the petitioner deceived any person or dishonestly induced the delivery of property. The bare fact of alleged association with the transportation of goods, without more, cannot supply the



ingredient of deceit that is constitutive of the offence under Section 420 I.P.C.

11. So far as the charge under Section 7 of the Essential Commodities Act, 1955 is concerned, the prosecution of an accused under that provision is predicated upon proof of contravention of an order made under Section 3 of the Act. The First Information Report and the charge-sheet do not specify any Control Order, notified under Section 3, which the petitioner is alleged to have contravened. A prosecution under Section 7 cannot be sustained in the absence of such a foundation. The allegation of black marketing, standing alone and unaccompanied by reference to the specific Control Order violated, does not satisfy the statutory precondition for prosecution.

12. There is also the significant circumstance that there is no law restricting the movement of wheat within the State of Bihar. The seized food grains were released in favour of one Alok Kumar pursuant to an order of a competent court. Furthermore, the order confiscating the truck was set aside by the learned District and Sessions Judge, Bhagalpur, in appeal. This appellate finding, though not conclusive of criminal liability, indicates that no finding of criminality or unlawful conduct was sustained at that



stage. The cumulative effect of these circumstances reinforces the conclusion that no offence is made out against the petitioner.

13. In view of the foregoing, the continuation of criminal proceedings against the petitioner would amount to an abuse of the process of the court, and this is a fit case for exercise of the inherent jurisdiction of this Court. Accordingly, the order of cognizance dated 13.09.2018 passed by the learned Sub-Divisional Judicial Magistrate, Bhagalpur, in connection with Jagdishpur P.S. Case No. 37 of 2016, is hereby quashed insofar as it relates to the petitioner.

14. The petition is, accordingly, allowed.

(Ansul, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.06.2026
Transmission Date	

