

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16659 of 2011

Radhika Devi & Ors.

.... .. Petitioner/s

Versus

The State Of Bihar & Anr.

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 17-08-2012

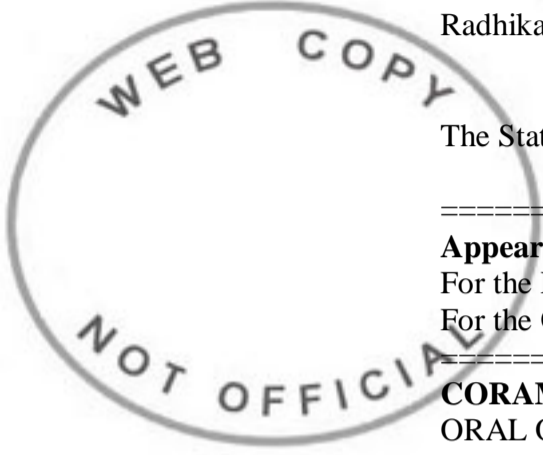
Heard learned counsel for the petitioners and

learned counsel for the State.

Learned counsel for the petitioners is permitted to
implead the informant as opposite party no.3

This application has been filed for quashing the
order dated 24.3.2011 passed in G.R. No. 82 of 2011,
corresponding to Pirpanti P.S. Case No.6 of 2011 by the
Chief Judicial Magistrate, Bhagalpur, by which he has
taken cognizance against the petitioners under section 7 of
the Essential Commodities Act.

The primary question that has been raised in this
case is that the fertilizer has been seized by the D.C.L.R.
who is not competent to make the seizure and Block
Agriculture Officer is also not authorized to file the present
case. He has placed reliance on the order dated 14.5.2010



passed by this Court in Cr. Misc. No.5569 of 2009

Issue notice to opposite party nos.2 and 3 under ordinary process as well as registered cover with A/D for which requisites etc. must be filed within a period of two weeks, failing which this application as against them shall stand rejected without further reference to the Bench.

In the meantime, further proceedings in G.R. No.82 of 2011 arising out of Pirpainti P.S. Case No.6 of 2011, pending in the court of the Sub Divisional Judicial Magistrate, Bhagalpur shall remain stayed.

After appearance of opposite party nos.2 and 3, let this case be listed at the top of the list.

Vinay/-

(Shivaji Pandey, J)