

Sachchidanand Modi Vs. State of Bihar

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Court : Patna

Decided On : Jan-04-2002

Judge : Shiva Kirti Singh, J.

Acts : [Essential Commodities Act, 1955](#) - Sections 7; Bihar Trade Articles (Licensing Unification) Order, 1984

Appeal No. : Cri. Misc. No. 34966 of 2000

Appellant : Sachchidanand Modi

Respondent : State of Bihar

Disposition : Petition allowed

Judgement :

Shiva Kirti Singh, J.

1. Heard learned counsel for the 2002 petitioner and learned counsel for the State.
2. Petitioner seeks quashing of the entire criminal proceeding pending in the Court of Special Judge, E.C. Act Jamui arising out of Jamui P.S. Case No. 77/99. The allegation against the petitioner is violating of Section 7 of the E.G. Act on the ground that on 8th June, 1999 from the godown of the petitioner 109 quintals of wheat and 1 quintals of sugar was recovered and the petitioner had no licence for trading in these articles.

3. Learned counsel for the petitioner has relied upon Annexure-2 an order of this Court in another similar case where this Court noticed that storage limit for wheat and rice has been abolished by a notification of the Central Government. Details of such notification are also mentioned in another judgment of this Court in the case of Smt. Kiran Bala v. State of Bihar 1996 (i) Pat LJR 730.

4. So far as sugar is concerned, it has been submitted that as per notification contained in notification number G.S.R. 10 dated 15-6-1995, only quantity exceeding five quintals of sugar will make the holder retail dealer for the purpose of Bihar Trade Articles (Licensing Unification) Order, 1984. On the basis of aforesaid submission it has rightly been submitted that petitioner was not required to hold any licence either for wheat or for sugar when the quantity of sugar is less than five quintals.

5. In the aforesaid facts and circumstances, the prayer made in this writ application is allowed and the criminal prosecution against the petitioner is hereby quashed.