

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2177 of 2014

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Md. Abu Zafar, Son of Late Shaikh Mazid Ali, Resident of Village- Hardia,
P.O.- Chilmil, P.S.- Sadar Begusarai, District- Begusarai

.... Petitioner

Versus

1. The State of Bihar through the Secretary Food and Consumer Protection
Department, Old Secretariat, Patna
2. The District Magistrate, Begusarai, District- Begusarai
3. The Sub-Divisional Officer, Begusarai, District- Begusarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the Respondent/s : Mr. Md. N. Hoda Khan

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**

ORAL ORDER

2 15-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner is P.D.S. dealer in the district of
Begusarai, bearing license no. 70 of 2007 /12 of 1995.

It appears that the P.D.S. license of the petitioner has
been cancelled by the licensing authority primarily on the ground
that F.I.R. has been instituted under the Indian Penal Code against
him.

Learned counsel for the petitioner submits that a
license cannot be cancelled on the ground of pendency of a
criminal case under the Penal Code. In support of his submission,
he has relied upon order, dated 19.01.2012, passed in L.P.A. No.
1572 of 2010.

I find substance in the submission of the petitioner, as

such the impugned order cancelling the P.D.S. license on the ground of pendency of a prosecution under the Penal Code is set aside with liberty to the respondents to proceed afresh in accordance with law.

This application stands allowed.

(Samarendra Pratap Singh, J.)

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