

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25704 of 2013

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1. Radhey Prasad Sah S/O Late Narsingh Prasad Sah Resident Of Village
 Bhalua Kaul, Police Station Kharagpur, District Munger.

.... Petitioner

Versus

1. The State Of Bihar Through Principal Secretary, Food And Civil Supply,
 Government Of Bihar, Patna.
 2. The Divisional Commissioner, Bhagalpur.
 3. The District Magistrate, Munger.
 4. The District Supply Officer, Munger.
 5. The Sub Divisional Officer, Kharagpur, District Munger.
 6. The District Manager, State Food Corporation, Munger.
 7. The Inspector, Supply, Kharagpur, District Munger.
 8. The Assistant Godown Mnger, Kharagpur, District Munger.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Respondent/s : Mr. Manoj Kr. Ambastha

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

ORAL ORDER

3 15-09-2015 The petitioner is a holder of PDS licence bearing licence
 No.97 of 2007 under Kharagpur Block in the district of Munger.
 He is aggrieved by order dated 20.4.2009 by which his licence has
 been suspended in view of the pendency of the criminal case under
 clause 7(3) of 2007 Order.

The respondent State in its counter affidavit states that the
 criminal case is still pending.

In my view, it would be unreasonable to keep the license
 under suspension for six years on the ground of pendency of the
 criminal proceeding. Further more, the provisions which permitted
 suspension of licence pending criminal prosecution has been

withdrawn in the year 2011.

In the facts of the case, I direct that if the criminal case is not decided within three months, the suspension of the licence of the petitioner would stand automatically vacated.

In the result, this writ application is allowed to the extent mentioned above.

(Samarendra Pratap Singh, J)

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