

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6341 of 2017

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Ram Bachan Ram S/o Late Kaltu Ram, Resident of Village- Barah, P.S.- Rani Talab, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Sub- Divisional Officer, Paliganj, Patna.
4. The Block Supply Inspector, Bikram, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr. S. Raza Ahmad- AAG5
Mr. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-10-2017

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is challenging the order dated 30.11.2016, whereby and whereunder, his license has been put on hold on account of lodging of a criminal case.

Learned counsel for the petitioner submits that merely lodging of the criminal case cannot be ipso facto will lead to passing an order of suspension of the license rather the order can only be passed when either the petitioner has been declared fugitive or has been kept under arrest. Here, in the present case, the petitioner has been granted anticipatory bail in ABA No. 42 of 2017 passed by the learned



Additional Sessions Judge-VI, Patna and, in such event, the petitioner cannot be declared to be fugitive. Thus, the primary requisite as provided under Clause 28 of the Control Order, 2016 is not satisfied. In such circumstances, the order of suspension cannot be allowed to stand. Inasmuch as already more than 280 days has been passed and substantive action has not been taken by the authority, in that view of the matter, the order of suspension dated 30.11.2016 is set aside with a liberty to the authority to take action in accordance with law.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.17
Transmission Date	NA

