

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5135 of 2017

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1. Awadhesh Kumar Singh Son of Late Yugal Kishore Singh, Resident of Village-Mednipur, P.O.- Pandaul Bujurg, P.S.- Nanpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food & Civil Supplies, Government of Bihar, Patna.
3. The Commissioner, Tirhut Commissioner, Muzaffarpur.
4. The District Magistrate, Sitamarhi.
5. The Sub-Divisional Officer, Pupri, District- Sitamarhi.
6. The Block Supply Officer/ Marketing Officer, Nanpur, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat,
Mr. Manoj Kumar Gupta
For the State : Mr. S.Raza Ahmad-AAG5
Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-09-2017

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

In the present writ petition, petitioner has made a claim that after lodging of criminal case allotment of subsidise grain meant for distribution to the consumers having been stopped.

Brief facts of the case is that two bags of wheat and rice was seized by the public of the locality and they have found that it is meant for distribution to the consumers of BPL and Antyoday. The case was lodged by the Block Supply Officer, Nanpur vide Nanpur P.S. Case No. 224 of 2010 for the offence under Section 7 of the Essential Commodities Act. The Sub



Divisional Officer vide letter dated 3.4.2017 has passed the order thereby stopped the allotment of grain to the petitioner for PDS shop mentioning therein that after lodging of the criminal case it would be deemed that licence has been cancelled.

This view is completely misconceived, misdirected and against the law. However, the police after investigation has submitted final form having been accepted by the Magistrate and as such as on today there is no criminal case against the petitioner under the Essential Commodities Act. The order passed on account of lodging of the criminal case does not survive.

In such view of the matter, the order dated 3.4.2017 is set aside and this Court directs the Sub Divisional Officer, Pupri to allow the petitioner to lift his quota. The position is restored and he will be given allotment of grain as per original position. Petitioner is directed to file requisite renewal fee.

With the aforesaid observation and direction this writ petition is allowed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.9.2017
Transmission Date	NA

