

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22014 of 2018**

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Horil Yadav @ Hardev Yadav

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Binay Kumar

For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL JUDGMENT**

**Date : 07-12-2018**

1. The present writ petition has been filed for quashing the order dated 24.09.2018 passed by the Sub-Divisional Officer, Sherghati, whereby and whereunder the licence of the P.D.S. shop of the petitioner has been suspended.

2. The learned counsel for the petitioner has referred to Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, which is reproduced hereinbelow :-

*“28. Actions to be taken against a licensee after an FIR lodged : If an FIR is lodged against a licensee under the Essential Commodities Act, 1955 or for any other criminal cases, and he is sent to jail or he goes fugitive, his license shall be suspended by the licensing authority with immediate effect, and after serving show cause notice upon him in accordance with Civil Procedure*



*Code and giving him sufficient opportunity to present his case, a lawful action shall be taken within 180 days, as far as possible.”*

3. The learned counsel for the petitioner submits that unless and until, the petitioner is sent to jail in connection with the criminal case lodged against him or he is fugitive, the licence of such a person can be suspended, however in the present case, neither the petitioner is in jail nor he has been declared fugitive and infact, the petitioner has been granted anticipatory bail vide order dated 06.10.2018 passed by the learned A.C.J.M. Sherghati (Gaya) in A.B.P. no. 3427 of 2018.
4. The learned counsel for the respondents does not dispute the factual position in law.
5. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, the order dated 24.09.2018 passed by the Sub-Divisional Officer, Sherghati is quashed.
6. The writ petition stands allowed.

**(Mohit Kumar Shah, J)**

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