

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21529 of 2018

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Suman Kumar Singh, son of Arun Kumar Singh, resident of village+Post-Bharathi, P.S. Simri, District-Darbhanga being PACS Chairman, PDS shop under Gram Panchayat Bharathi

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha
For the Respondent/s : Mr. S.Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-12-2018 The present writ petition has been filed for quashing the order dated 30.08.2018 passed by the Sub-Divisional Officer, Sadar, Darbhanga, whereby and where under the P.D.S. license of the shop of the petitioner has been suspended on the ground of an FIR being lodged against the petitioner herein.

The learned counsel for the petitioner has submitted that the impugned order dated 30.08.2018 is contrary to Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016 inasmuch as the same prescribes that only in case the licensee is sent to jail or he becomes fugitive, the P.D.S. license can be suspended. However, in the present case the petitioner has already been granted bail by the learned trial court, Darbhanga and is neither inside jail nor is a fugitive.

The learned counsel for the respondents does not



dispute the position as existing in law.

Having regard to the facts and circumstances of the case, this Court finds that the order dated 30.08.2018 passed by the Sub-Divisional Officer, Sadar, Darbhanga is contrary to Clause 28 of the Bihar Targeted P.D.S. (Control) Order, 2016, hence is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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