

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22936 of 2018

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Kamlesh Kumar Gupta son of Late Laxmi Prasad Gupta, resident of village-
Raghunathpur, P.S. Rani Talab, District-Patna

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra

For the Respondent/s : Mr. S.Raza Ahmad,AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2018 The present writ petition has been filed for quashing the order dated 21.08.2018 passed by the Sub-Divisional Officer, Paliganj, Patna, whereby and whereunder the license of the P.D.S. shop has been suspended on the ground of an FIR having been lodged against the petitioner herein.

The learned counsel for the petitioner referring to Clause-28 of the Bihar Targeted P.D.S. (Control) Order, 2016 has submitted that the petitioner is neither a fugitive nor has been sent to jail in connection with FIR lodged against him, hence the impugned order is against the said provisions of law. It is further submitted that the petitioner has already been granted anticipatory bail by an order dated 06.10.2018 passed by this Court in Criminal Misc. No. 60268 of 2018.

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 impugned order is in teeth of Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016, hence the impugned order dated 21.08.2018 passed by the Sub-Divisional Officer, Paliganj, Patna is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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