

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5034 of 2019

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Sakindra Rai S/o Late Ram Lakhan Rai, Resident of Village- Manjhauli
Mohamadpur Bujurg, P.S.- Sarai, District- Vaishali

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna
2. The Collector, Vaishali at Hajipur
3. The Sub-Divisional Officer, Hajipur
4. The Block Supply Officer, Bhagwanpur, Vaishali

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate
For the Respondent/s : Mr.U.P. Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2019 Heard learned counsel for the petitioner and the

State.

After going through the records particularly Annexure
‘3’ to the writ application, learned counsel for the State agrees
that this case would be covered by the judgment of this Court in
the case of **Laxman Jha @ Lakshman Jha versus the State of
Bihar & Ors.** reported in **2019(2) BLJ 797** wherein this Court
has held that unless a finding is recorded by the licensing
authority that the licensee has either been arrested or had gone
fugitive the license could have been placed under suspension.

In the present case also there is no such finding of the
licensing authority being Annexure ‘3’ to the writ application.



Annexure '3' is set aside. The matter is remitted to the licensing authority (Respondent No. 3) for a fresh consideration if so advised and to pass a reasoned order within a maximum period of 90 days from the date of receipt/production of a copy of this order.

In the meantime, the license of the petitioner and the supplies thereunder shall stand restored.

(Rajeev Ranjan Prasad, J)

vats/ved

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