

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6774 of 2019

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Jibachh Paswan Son of Shankar Paswan Resident of Village- Rudrapur, P.S.-
Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer, Jhanjharpur, District Madhubani.
4. The Block Supply Officer, Andhratharhi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha,Advocate
For the Respondent/s : Mr. AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Learned counsel for the petitioner submits that in the
impugned order as contained in Annexure '3' there is no finding
that the petitioner had either been arrested or gone fugitive. He
has relied upon a judgment of this Court passed on 06.03.2019
in C.W.J.C. No. 24130 of 2018 and it's analogous cases
(Laxman Jha @ Lakshman Jha Vs. The State of Bihar & Ors.) in
which this Court has held that in absence of any finding to that
effect the condition contained in Clause 28 (iii) of the Bihar
Targeted P.D.S. (Control) Order, 2016 is not satisfied, it will
render the impugned order illegal.



Learned counsel for the State submits that in the given facts and circumstances the matter may be remitted to the Sub-Divisional Officer, Jhanjharpur, Madhubani for a fresh consideration.

In the given facts and circumstances of the case, the impugned order as contained in Annexure '3' to the writ application is hereby set aside and the matter is remitted to the Sub-Divisional Officer, Jhanjharpur, Madhubani (respondent no. '3') for a fresh consideration within a period of 60 days from the date of receipt/production of a copy of this order.

In the meantime the license and supply of the petitioner shall stand restored.

(Rajeev Ranjan Prasad, J)

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