

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14427 of 2019

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Nityanand Prasad Verma S/o Late Ram Chander Mahto @ Ram Chander Verma Resident of Sinkhan, Bhimni Chak, P.S- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Paliganj.
4. The Block Supply Officer, Dulhin Bazar, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anujit Sinha, Advocate
For the Respondent/s : Mr. SC 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, Paliganj 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, Paliganj, (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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