

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3166 of 2020

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Naresh Yadav Son of Late Ram Tahal Yadav Resident of Village- Dahiyar,
Panchayat- Bajarkar, Block- Barachatti, Police Station- Barachatti, District-
Gaya.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food, Supply and Consumer Protection Department, Patna.
2. The Director Food, Supply and Consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Supply Officer, Gaya.
5. The Assistant District Supply Officer, Sherghati, District- Gaya.
6. The Block Supply Officer, Barachatti, District- Gaya.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Binod Kumar Sinha
For the Respondents : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2020 The present petition has been filed for quashing the order dated 26.12.2019 passed by the Sub-Divisional Officer, Sherghati, Gaya, whereby and whereunder the PDS license of the petitioner bearing license No. 58 of 2016 has been suspended on account of lodging of an F.I.R. bearing Barachatti P.S. Case No. 554 of 2019, lodged on 17.11.2019.

The learned counsel for the petitioner has submitted that since the petitioner has been enlarged on anticipatory bail by an order dated 11.12.2019 passed by the learned Court below, it cannot be said that the petitioner has either been



declared fugitive or is absconding or is behind the bars, hence, the mandate of clause 28 of the Bihar Targeted PDS (Control) Order, 2016 is not satisfied, inasmuch as, the same mandates that only in case where the PDS dealer is either fugitive or is behind the bars, the license can be suspended, however, in the present case, since the petitioner has already been granted anticipatory bail, he is neither a fugitive nor is going to be put behind the bars.

Learned counsel for the state has got no quarrel in law.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties as also considering the mandate of clause 28 of the Bihar Targeted PDS (Control) Order, 2016, I find the impugned order dated 26.12.2019 passed by the Sub Divisional Officer, Sherghati, Gaya to be in teeth of the provisions contained under Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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