

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12439 of 2018

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Gulab Yadav Son of Mahendra Yadav, Resident of Village- Kalyanpur, P.S.-
Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The District Supply Officer, Darbhanga.
5. The Sub-Divisional Magistrate, Banipur, Darbhanga.
6. The Block Supply Officer, Benipur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vasudeo Ram
For the Respondent/s : Mr.S.Raza Ahmad - AAG-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 06-10-2020 Heard Mr. Rajeev Kumar Labh, learned counsel for
the petitioner and Mr. Alok Ranjan representing the State.

The petitioner is P.D.S. license holder bearing License No. 36/2016. A First Information Report has been lodged being Bahera P.S. Case No. 391 of 2017 wherein an allegation has been made against the petitioner of transmitting goods for the purpose of black-marketing, whereafter, the order dated 3.11.2017 has been issued suspending the license of the petitioner and show-cause was asked from the petitioner.

Learned counsel for the petitioner submits that till date, no final order has been passed. He further submits that the



law in this regard is very well settled that mere lodging a criminal case cannot be a ground to put the license under suspension unless the person is put behind the bar or has been declared fugitive.

In this case, a counter affidavit has been filed in the year 2018 but, at present, the State has no knowledge as with regard to the latest position but, keeping in view the statement made by Mr. Rajeev Kumar Labh, learned counsel for the petitioner, that no final order has yet been passed as also considering the fact that mere lodging of criminal case cannot lead to suspension of license, the order dated 3.11.2017 passed by the Sub Divisional Officer, Benipur is set aside.

This Court makes it clear that if the final order has been passed earlier, the question of suspension of license does not arise and this order will not affect the impugned action of the respondents.

Accordingly, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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