

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17851 of 2019

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Om Prakash Prasad, Male, age 29 years, Son of Late Jagarnath Prasad,
Resident of ward nos.5, near Punjab National Bank, Bagar Bhojpur, Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply,
Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, Bhojpur, Ara.
3. The Sub Divisional Officer, Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra
For the Respondent/s : Mr. Alok Ranjan, A.C. to A.A.G.5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-09-2020 Heard Mr. Sanjeev Kumar Mishra, learned counsel for

the petitioner and Mr. Alok Ranjan, learned A.C. to A.A.G.5

through video conferencing.

The petitioner seeks quashing of the order issued under
the signature of Sub-divisional Officer, Piro, Bhojpur as contained
in Memo No.223, dated 11th of July, 2019 on the ground that
Clause 28 of Bihar Targeted P.D.S. Rule, 2016 says about the
suspension of licence of a P.D.S. dealer when an FIR is lodged and
if such P.D.S. dealer is sent to jail or has become fugitive but the
petitioner was neither sent to jail nor became fugitive and,
therefore, no ground is available to the licensing authority to
suspend the licence of the petitioner.

It is submitted that the licence cannot be suspended for



more than 180 days. The order of suspension was issued on 11th of July, 2019 and almost a year has lapsed.

On such submission, Mr. Alok Ranjan, learned A.C. to A.A.G.5 took adjournment to seek instructions. Counter affidavit is filed but no specific reply on this point is given.

It is admitted that the licence of the petitioner has been suspended under Clause 28 of Bihar Targeted P.D.S. Rule, 2016 and Clause 28 prescribes two conditions for suspension of the licence, (i) If FIR is lodged for any offence alleged against the P.D.S. dealer and the P.D.S. dealer is sent to jail upon institution of such case (ii) If the P.D.S. dealer becomes fugitive but both the conditions are not existing since the petitioner got anticipatory bail, therefore, I find that the licence of the petitioner has been cancelled on non-existing ground and the same is bad and not sustainable.

Accordingly, the writ petition is allowed. The order as contained in Memo No.223, dated 11th of July, 2019 suspending the licence of the petitioner is quashed.

(Prabhat Kumar Jha, J)

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