

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7390 of 2021

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Ajay Paswan son of Shri Lakhan Paswan, Resident of Daniawan, P.S.-
Daniawan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna
2. The Collector, Patna
3. The Sub Divisional Officer, Patna City.
4. The Block Supply Officer, Daniawan, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Preety Kunwar, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-10-2021

The present writ petition has been filed for quashing the order dated 28.1.2020 passed by the Sub-Divisional Officer, Patna City whereby and whereunder the PDS license of the petitioner bearing license no. 101/2016 has been suspended on account of lodging of an FIR bearing Daniyawan P.S.Case No. 6/2020 against the petitioner under Sections 406, 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The learned counsel for the petitioner has submitted that as per the mandate of Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, the license can only be suspended in case, the



licensee is a fugitive or has been put behind bars, however, in the present case, the license was suspended only after 14 days of lodging of the FIR and in fact, the petitioner has also been granted the privilege of anticipatory bail by an order dated 9.10.2020 passed in Criminal Miscellaneous No. 23647 of 2020 by a coordinate Bench of this Court. Hence, it is submitted that the impugned order dated 28.1.2020 is against the mandate of the provision contained in Rule 28 of the Bihar Targeted PDS (Control) Order, 2016.

The learned counsel for the Respondent-State, Sri Upendra Pratap Singh (AC to SC-4), has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that the petitioner is neither a fugitive nor has been put behind bars and in fact, has been granted anticipatory bail by an order dated 9.10.2020 passed in Criminal Miscellaneous No. 23647 of 2020, this Court finds that the impugned order dated 28.1.2020 is not sustainable in the eyes of



law, hence, the same is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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