

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8269 of 2021

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Lakhan Lal Modi @ Lakhan Lal Agrawal @ Lakhan Lal Barnwal S/o Late
Rameshwar Modi Resident of Village - Upar Sapha, P.S. - Chandramandi,
District- Jamui.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anujit Sinha, Advocate
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 26-10-2021 Heard the learned counsel for the petitioner and Sri

Upendra Pratap Singh, learned AC to SC 4 appearing for the

State.

The present petition has been filed seeking quashing
of the order dated 30.06.2020, passed by the Sub Divisional
Officer, Jamui, whereby and whereunder the license of the
P.D.S. shop of the petitioner bearing License no. 41 of 2016 has
been suspended.

The short point raised by the learned counsel for the
petitioner is that as per *Clause 28 of the Bihar Targeted Public
Distribution System (Control) Order, 2016 (hereinafter to be
referred to as "Order 2016")*, two conditions are required to be



fulfilled before the license is suspended, pursuant to lodging of an F.I.R. against the licensee, i.e. either the petitioner is a fugitive or the petitioner is behind bars. However, it is submitted that in the present case, the F.I.R. bearing Chandramandi PS case no. 76 of 2020 was filed against the petitioner under ***Section 7 of Essential Commodities Act*** on 27.06.2020 and on the date of suspension of the license of the petitioner, neither the petitioner was a fugitive nor he was behind bars. It is also submitted that the petitioner has already been granted the privilege of bail by the learned court below by an order dated 29.10.2020. It is further submitted that the impugned order dated 30.06.2020 has worked out its force, inasmuch as, as per ***Clause 28 of the Order, 2016***, the life of the suspension order is only 180 days.

The learned counsel for the respondent State has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the materials available on record, this Court finds that firstly, the petitioner was neither a fugitive nor he was behind bars as on the date of passing of the order of suspension of the P.D.S. license of the shop of the petitioner i.e. on 30.06.2020 and moreover, since 180 days has already elapsed



and no final order has been passed, the impugned order dated 30.06.2020 has lost its force. Consequently, this Court finds that the impugned order dated 30.06.2020, passed by the Sub Divisional Officer, Jamui is not sustainable in the eyes of law, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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