

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9130 of 2020

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Birendra Kumar Paswan S/o Shivnarayan Paswan, Resident of Village -
Tamganj, P.S. Narpatganj, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Bihar, Patna.
2. The Collector, Araria.
3. The Sub - Divisional Officer, Farbesganj, District - Araria.
4. The Block Supply Officer, Narpatganj, District - Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kr. Mishra
For the Respondent/s	:	Mr.Lalit Kishore (Ag)
	:	Mr. Alok Ranjan (AC to AAG 5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-03-2021 The present writ petition has been filed for
quashing the order dated 23.11.2019, passed by the
Sub-Divisional Officer, Forbesganj, whereby and whereunder
the P.D.S. licence of the petitioner bearing licence no.
11N/2019 has been suspended, on account of lodging of an
F.I.R. against the petitioner bearing Narpatganj PS case no.
630 of 2019 dated 11.11.2019, under Section 7 of the Essential
Commodities Act.

The learned counsel for the petitioner has referred to
Rule 28 of the Bihar Targeted Public Distribution System
(Control) order, 2016 and has submitted that the licence can



only be suspended, in case any criminal case is pending against the licensee and he is sent to jail or he goes fugitive, but in the present case, the petitioner has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 02.03.2020, passed in Cr. Misc. no. 8042 of 2020. The learned counsel for the petitioner has further submitted that the order of suspension cannot survive beyond a period of 180 days and in fact, during the said period of 180 days of the suspension of the licence, a final order is required to be passed, however the same has not been passed in the present case.

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

Having regard to the facts and circumstances of the case and considering the provisions contained in ***Rule 28 of the Bihar Targeted Public Distribution System (Control) order, 2016***, this Court finds that firstly, the period of suspension of the P.D.S. licence of the petitioner has exceeded the period of 180 days, however no final action has been taken and secondly, the petitioner has been granted the privilege of anticipatory bail which indicates that neither the petitioner has become fugitive nor he has been sent to jail, hence his licence



could not have been suspended. Accordingly, I find that on both the counts, the impugned order dated 23.11.2019, passed by the Sub-Divisional Officer, Forbesganj is bad in law, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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