

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 12140 of 2019

Savita Kumari, aged about 38 years (Female), wife of Praveen Kumar,
resident of village Rasalpur Khurd, Krishnapuri, P.S. Bahadurpur, District-
Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food
and Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Subdivisional Officer, Sadar, Darbhanga

.. ... Respondent/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.
For the State : Mr. Upendra Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-07-2021

Heard the learned counsel for the petitioner,
Ms. Vaishnavi Singh and the learned counsel
appearing for the Respondent-State, Sri Upendra
Pratap Singh (AC to SC-4).

The present writ petition has been filed for
quashing the order dated 17.01.2019 passed by
the Sub-Divisional Officer, Sadar, Darbhanga
whereby and whereunder the license of the PDS
dealership of the petitioner bearing license no.



16/18 has been suspended on the ground that an FIR bearing Bahadurpur P.S. Case No. 13/19 dated 10.01.2019 has been lodged under Section 7 of the Essential Commodities Act.

The learned counsel for the petitioner has submitted that the impugned order dated 17.01.2019 is contrary to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 inasmuch as the said Rule prescribes that only in case, the licensee is sent to jail or becomes a fugitive, the PDS license shall be liable to be suspended. However, in the present case, the petitioner has already been granted anticipatory bail by the learned court of Sessions Judge, Darbhanga by an order dated 04.04.2019 passed in ABP No. 198 of 2019 in connection with Bahadurpur P.S. Case No. 13/19. Thus, it is submitted that since the petitioner is neither a fugitive nor is behind bars, the impugned order dated 17.01.2019 is illegal and fit to be set aside, especially considering the ambit and scope of Rule 28 of the Bihar Targeted



PDS (Control) Order 2016.

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 for the reasons mentioned hereinabove, this Court finds that the impugned order dated 17.01.2019 passed by the Sub-Divisional Officer, Sadar, Darbhanga is dehors the provision contained in Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Ajay/-

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