

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2227 of 2022

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Soni Kumari (female), aged about 34 years, wife of Sanjeev Kumar Resident of Village- Pakri, Village Panchayat- Morhe, Police Station- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub- Divisional Officer, Sadar Gaya, Gaya.
4. The Block Supply Officer, Fatehpur, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-03-2022

Heard Mr. Binay Kumar learned advocate for the petitioner and Mr. Upendra Pratap Singh for the State.

The license of the petitioner was suspended after he was made an accused in a criminal case involving the breach of E.C. Act and a notice was served upon him to explain as to why his license be not cancelled. The petitioner in the meantime was granted bail in the criminal case. Along with the order granting bail to him, the petitioner furnished his show-cause reply but the same has not been found to be satisfactory.

The Licensing Officer does not explain the reasons for holding such explanation to be unsatisfactory.



The order impugned is absolutely non-speaking and does not give us any idea as to why the explanation offered by the petitioner has been rejected summarily.

We cannot sustain such non-speaking order.

The order impugned therefore is set aside.

The matter is remitted to the Licensing Authority to pass a fresh order in accordance with law after giving reasons for rejecting the explanation of the petitioner. Needless to state that the petitioner shall be afforded fresh opportunity of explaining his cause and the order so passed by the authority shall be reasoned one.

The petitioner shall bring to the notice of the Licensing Authority a copy of this order within a period of thirty days. The entire exercise ought to be completed by the Licensing Authority within a further period of next sixty days thereafter.

With the aforesaid observation and direction, this petition stands disposed of.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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