

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4864 of 2022**

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Om Prakash Singh, S/o Ranjeet Singh, Resident of Village-Tara Chak, P.S.-  
Azimabad, District-Bhojpur Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur.
3. The Sub Divisional Officer, Sadar Ara.
4. The Block Supply Officer cum the Assistant District Supply Officer, Sadar Ara.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                       |
|----------------------|---|-------------------------------------------------------|
| For the Petitioner/s | : | Mr. N.K. Agarwal, Sr. Adv.<br>Ms. Preety Kunwar, Adv. |
| For the Respondent/s | : | Mr. Alok Ranjan, AC to Aag5                           |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**and**  
**HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

8      14-10-2022                      Heard Mr. N. K. Agarwal, the learned senior  
  
Advocate for the petitioner and Mr. Alok Ranjan for the  
  
State.

The license of the petitioner has been cancelled  
under Clause 28 of the Bihar Targeted Public Distribution  
System (Control) Order, 2016 (hereinafter referred to as  
“the Control Order, 2016”) for his having been made  
accused in a criminal case involving the breach of the E.C.



Act, 1955.

From the perusal of the order cancelling the license of the petitioner which has been impugned in the present petition, it appears that on such F.I.R having been registered, the license of the petitioner was suspended and a show-cause notice was asked from him to explain the charges. The notice was responded but from the impugned order it appears that the grounds raised on behalf of the petitioner has not been adverted to while taking a decision.

In fact, the learned counsel for the petitioner has shown to this Court the last part of the order which clearly demonstrates that the decision of cancelling the license of the petitioner has been taken primarily on the recommendation of Superintendent of Police.

This does not appear to be the correct mode for deciding whether a person is entitled to be retained as a licensee notwithstanding the fact that he has been made accused in the criminal case. The Control Order, 2016 is a compendium in itself which provides the procedure in cases of F.I.R being lodged against the licensee and his



remaining fugitive or going to jail. There does not appear to be any reason in the impugned order for rejecting the explanation offered by the petitioner.

In that context, this Court has no difficulty in holding that the Licensing Authority completely misdirected himself in taking a decision on the direction of the Superintendent of Police of the District and not on the settled parameters. There is no fact finding by the Licensing Authority on the basis of materials which were before him.

We, therefore, do not find the order of the Licensing Authority to be sustainable in the eyes of law and consequently, we set it aside.

The petitioner is directed to bring this order to the notice of the Licensing Authority within a period of 15 days who would issue a fresh notice to the petitioner and would afford him reasonable opportunity of explaining his cause. On receipt of the reply of the petitioner, a reasoned order shall be passed by the Licensing Authority within a period 60 days thereafter.



With the afore-noted direction/observation, the writ petition stands disposed of.

**(Ashutosh Kumar, J)**

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**( Jitendra Kumar, J)**

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