

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8744 of 2019

Deepak Kumar, Son of Shri Rameshwar Prasad Singh Resident of Village-
Sihma, Police Station- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Food and Supply Department, Government of Bihar, New Secretariat, Patna.
3. The District Transport Committee, Madhubani.
4. The District Magistrate, Madhubani.
5. Bihar State Food and Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Bir Chand Patel Patha, Patna- 800011 through its Managing Director.
6. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Bir Chand Patel Patha, Patna- 800011.
7. The Deputy Chief Transportation, The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, Daroga Rai Path, R. Block, Road No.2, Patna.
8. The District Manager, B.S.F.C., Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal (SC 4)
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 11-10-2022 Petitioner has prayed for the following relief(s):-

“That the present writ application is being filed for quashing of the order contained in memo no. 9244 dated 09.09.2017 issued under the signature of the Managing Director, Bihar State Food and Civil Supply Corporation Ltd. (Hereinafter to be referred as ‘corporation’ for the sake of brevity) so far as it relates to the cancellation of the agreement dated 24.10.2016,



executed between the petitioner and the corporation, whereby the petitioner has been appointed as Transporter-Cum-Handling Agent, for transporting essential commodities in the district of Madhubani.

The aforesaid order has been issued primarily on the basis of a criminal case bearing Keoti P.S. Case No. 51 of 2017 registered on 30.03.2017 under Sections 420/34 of the Indian Penal Code and Section 7 of the Essential Commodities Act. It is well settled principle of law that mere lodging of an FIR, a person cannot be held as guilty. It is evident from the facts noted herein after that the allegations made in the FIR are totally false and baseless and the impugned order is based on the said FIR, which may not be sustained as the same has been passed in haste, without considering the show cause filed by the petitioner.”

Learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition.

Prayer allowed.

Petition is disposed of as withdrawn.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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