

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16234 of 2021

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Anil Kumar Sah Son of Jogeshwar Prasad Sah Resident of Village - R.B.S.S.
Sahay Road, Bhikhanpur Gumti No. 1, P.S. - Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Govt. of Bihar, Old Secretariat Patna.
2. The District Magistrate, Bhagalpur.
3. The Sub - Divisional Officer, Sadar, Bhagalpur.
4. The Block Supply Officer, Ward No. 13 to 51 Municipal Corporation, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

4 11-04-2022 The writ petition has been filed for quashing the order dated 04.08.2020 passed by the Sub-Divisional Officer, Sadar, Bhagalpur, whereby and where-under the license of the P.D.S. shop of the petitioner bearing License No. 07 of 1989 has been suspended.

The short point raised by the learned counsel for the petitioner is that as per Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the period of suspension cannot survive beyond a period of 180 days and during the said period of suspension of the license, a final order



has to be passed but the same has not been passed in the present case, hence, the impugned order dated 04.08.2020 stands vitiated in the eyes of law. It is further submitted that as per the provision contained in Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the license of the P.D.S. shop can be suspended by the Licensing authority, if an FIR is lodged against the licensee under the Essential Commodities Act, 1955 or for any other criminal case in which the said licensee is sent to the jail or he goes fugitive, however, in the instant case though the FIR was lodged against the petitioner bearing Ishakchak P.S. Case No. 88 of 2020, but the petitioner has been granted anticipatory bail by a single Bench of this Court vide order dated 24.06.2021 passed in Cr. Misc. No. 747 of 2021 (Annexure-6 to the present petition), hence, it is submitted that neither the petitioner has been sent to jail nor he is a fugitive, thus, on this ground as well, the impugned order of suspension dated 04.08.2020 is bad in law.

We have heard the learned counsel for the parties and gone through the materials on record. We find upon considering the provision contained in Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 that the petitioner is neither a fugitive nor has been sent to jail and the petitioner has



been granted anticipatory bail by a single Bench of this Court, moreover, the period of license of the petitioner has exceeded the period of 180 days, nonetheless, no final decision has been taken, hence, the impugned order dated 04.08.2020 stands vitiated in the eyes of law, thus is quashed.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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