

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2392 of 2023

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Ajit Ram @ Ajit Kumar Ram, Son of Late Shiv Pujan Ram, R/o Village and
P.O. - Manupur, P.S. Dighwara, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Department, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Superintendent of Police, Saran at Chapra.
4. The District Supply Officer, Chapra, Saran.
5. The Sub-Divisional Officer, Sub-Divisional Office (Supply Branch), Sonpur.
6. The Block Supply Officer, Dighwara (Sonpur), Saran.
7. The Mukhia, Gram Panchayat Raj, Manpur, Dighwara, Saran.
8. The Sarpanch, Gram Panchayat Raj, Manupur.
9. Th Officer-in-Charge, Dighwara, Dighwara, Saran, P.S. - Dighwara, District - Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh, Advocate

For the Respondent/s : Mr. U. P. Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 10-04-2023

The petitioner is an informant in an FIR being Dighwara P.S. Case No. 389 of 2021 registered on 13.12.2021 under Sections 341, 323, 324, 302, 504 and 506/34 of the Indian Penal Code wherein Smt. Putul Devi was also mentioned as one



of the accused by the petitioner. On the basis of the said FIR, the license granted to Smt. Putul Devi was suspended in terms of Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as 'the Order of 2016').

The licensing authority after having been informed by the licensee about the inquest report wherein the licensee has not been found to be involved in the criminal case, the licensing authority has proceeded to restore the license vide its order dated 01.10.2022. The order was passed after obtaining information and a report from the concerned Additional Superintendent of Police-cum- Sub-Divisional Police Officer, Sonapur.

The petitioner assailed the order dated 01.10.2022 on the ground that the report filed by the Additional Superintendent of Police cannot be said to be of final nature and it is stated that he has filed a complaint to the Sub Divisional Officer, Sonapur against the final report submitted by the concerned Additional Superintendent of Police. In the circumstances, he prays that the order dated 01.10.2022 passed by the licensing authority deserves to be set aside.

I have considered the submissions. Section 28 of the



Order of 2026 reads as under :-

28. Actions to be taken against a licensee after a FIR lodged. - *If an FIR is lodged against a licensee under the Essential commodities Act, 1955 or for any other criminal cases, and he is sent to jail or he goes fugitive, his license shall be suspended by the licensing authority with immediate effect, and after serving show cause notice upon him in accordance with Civil Procedure Code and giving him sufficient opportunity to present his case, a lawful action shall be taken within 180 days, as far as possible.*

From perusal of above, it is apparent that the licensing authority would have the power to suspend a license if a person is found to be involved in a criminal case. However, after taking into consideration all facts and circumstances, he has to pass an order preferably within a period of 180 days.

The cancellation order was passed in the present case on 31.12.2021 and, thereafter, the licensing authority passed the order recalling the suspension order vide his order dated 01.10.2022 based on the report of the Additional Superintendent of Police.

So far as the grievances of the petitioner are concerned, in the opinion of this Court, he cannot possibly have any concern or legal injury caused due to restoration of the license. If at all, he has any grievances with regard to the result of the inquest report and the final report submitted, he has all



the remedies available under the criminal law for which he may take recourse to the legal remedies under Cr. P.C. However, the same will not give him a right to pray for setting aside the order of withdrawal of suspension of PDS license.

The writ petition is wholly misconceived and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.28

AFR/NAFR	
CAV DATE	NA
Uploading Date	17.04.2023
Transmission Date	NA

