

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13505 of 2024

Hariwansh Singh @ Hariwansh Prasad Singh Son of Ram Naresh Singh
Resident of Village-Sonbarsa, Sheohar, P.S.- Tariyani District -Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Distirct Magistrate, Sheohar.
3. The Sub Divisional Officer, District-Sheohar.
4. The Block Developemnt Officer, Tariyani, Dist- Sheohar.
5. The Officer-in-Charge, Sheohar Police Station, District-Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Kumr Rajdeep, Adv.
For the Respondent/s	:	Mr. Standing Counse (4)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 19-11-2024 It is stated by the learned counsel for the petitioner that the authority without any valid reason and solely on the ground that an FIR has been lodged against the petitioner has stopped the supplies to the petitioner without passing any written order. Learned counsel has stated that till date neither any suspension order nor any order of cancellation of the license of the petitioner has been passed against the petitioner. Further, learned counsel has stated that even if any suspension or cancellation order is passed against the petitioner on the sole ground that an FIR has been lodged against the petitioner, the same is in violation of the law as laid down by this Hon'ble



Court in a catena of cases. This Hon'ble Court has already held that mere registration of an FIR against the PDS dealer cannot be a ground either for suspension or cancellation of the license, that unless and until the PDS dealer is declared as a fugitive or is put behind the bars then only the license can be cancelled.

2. Learned counsel appearing on behalf of the respondent State has not refuted the above legal position as held by this Court in a catena of cases.

3. Having regard to the above, the authorities are directed to resume the supplies to the petitioner immediately. However, it is made clear that in case the criminal case filed against the petitioner culminates in conviction, then the authorities are free to take necessary action strictly in accordance with law.

4. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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