

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1932 of 2025

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Randhir Kumar @ Randhir Kumar Singh @ Ranadhir Singh, Randheer Kumar Singh Son of- Chandrama Singh, Resident of village- Bishunpura Kalan, P.S.- Ekma, District- Saran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Sub Divisional Officer, District- Sadar Chhapra (Saran).
3. The Block Supply Officer, Ekma, District- Saran.
4. The Supply Inspector, Ekma, Saran.
5. The Sub-Inspector-cum- Investigation Officer, Ekma, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv.
	:	Mr. Kumar Rajdeep, Adv.
	:	Mr. Arvind Kumar, Adv.
	:	Ms. Diksha Kumari
For the Respondent/s	:	Mr. Sunil Kumar Mandal, Standing Counsel (3)
	:	Mr. Arjun Prasad, AC to SC3

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

2 18-03-2025 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

“i. That the present application is being filed on behalf of the petitioner for setting aside the order dated 01.11.2024 passed by the Learned S.D.O.-cum-Licensing Authority, Chhapra, Sadar where by and where under Clause 28 of the Bihar Target (Control) Order, the Public Distribution License of the Petitioner bearing License No. 31/2021 has been suspended vide order dated 01.11.2024 on the ground of institution of F.I.R. being Ekma P.S. Case no. 400/2024 registered on 31.10.2024 under section 303 of the B.N.S.



2023 and Section 7 of the E.C. Act and subsequently under Clause 28 of the Bihar Target (Control) Order vide order dated 10.01.2025 cancelled the PDS license of the petitioner which is totally on non-est and erroneous grounds in completely in a mechanical manner without even considering the reply of the petitioner which is the complete violation of Principle of Natural Justice.

ii. For issuance of any other relief or relief(s) for which the petitioner is entitled for.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 05.11.2024 vide Memo No. 2012 for suspension of the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Ekma P.S. Case No. 400 of 2024 had been instituted against the petitioner. Similarly, the impugned order has been passed on the sole ground of institution of the aforesaid FIR against the petitioner.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the PDS. (Control) Order, 2001 read with Rule 7 of the notification in G.S.R. No. 1 dated 20.02.2007 makes it clear that mere institution of a First Information Report would not constitute a valid ground for cancellation of the PDS



licence. This view finds support from the decision of this Court in *Umesh Ram vs. The State of Bihar and others, AIR 2014 Patna 113* as well.

6. In view of the above, the impugned order dated 01.11.2024 (Annexure-P/2) is hereby quashed.

7. Needless to say, supplies to the petitioner shall be restored without delay.

8. It is made clear that, in case, the petitioner is subsequently convicted in the criminal case instituted against him, thereafter, the authorities are free to take necessary action in accordance with law.

9. With the above directions, the Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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