

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2451 of 2025**

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Sanjiv Kumar, Son of Late Ganesh Prasad Yadav, Resident of Village-  
Kajhiya, P.S - Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Supply,  
Govt. of Bihar, Patna.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Collector, Banka.
4. The S.D.P. (Supply), Banka.
5. The Block Supply Officer, Banka.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Subodh Prasad, Adv.  
For the Respondent/s : Mr.Standing Counsel (8)

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

4      10-07-2025                      Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the  
following reliefs:-

*“.....for issuance of an  
appropriate writ, order or direction for  
quashing the order dated 12.12.2024 at  
Annexure-8 passed in Revision Case  
No.32/2022-23 by the Commissioner,  
Bhagalpur Division, Bhagalpur, order dated  
24.6.2022 at Annexure-5 passed by the  
Collector, Banka in Misc. Appeal (Supply)  
Case No.6/22-23 and order dated 14.5.2022  
passed by the S.D.O. Banka at Annexure-4 by  
which S.D.O. Banka has cancelled the P.D.S.*



*License of petitioner and Collector, Banka rejected the appeal of the petitioner and Commissioner, Bhagalpur Division, Bhagalpur has dismissed the case of petitioner without considering the case of petitioner.”*

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated dated 12.12.2024 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Banka P.S. Case No. 55 of 2022 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 12.12.2024 (Annexure P/8) is hereby quashed and consequently the order dated 24.06.2022 (Annexure-P/5) and the order dated 14.05.2022 (Annexure-P/4) are also set aside.

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)**

Bhardwaj/-

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