

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3082 of 2025

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Kishundeo Ram Son of Narain Ram Resident of village- Motirajpur, P.S.-
Garkha, 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 Court of Divisional Commissioner, Saran, Chapra.
3. The Collector-cum- District Magistrate, Saran, Chapra.
4. The Sub Divisional Officer, Sadar, Chapra.
5. The Block Supply Officer, Garkha, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv. Mrs. Diksha Kumari, Adv.
For the Respondent/s	:	Mr. Standing Counsel (10)
For the State	:	Md. Raijul Haque (SC-10)

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

4 27-08-2025 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“That the present application is being filed on behalf of the petitioner for setting aside the order dated 20.12.2024 passed by the Learned Divisional Commissioner, Saran, Chapra and the order dated 10.07.2023 passed by the Learned Collector-cum-District Magistrate, Saran, Chapra and the order dated 21.08.2020 passed by the Learned S.D.O.-cum-Licensing Authority, Sadar Chapra where by and where under exercising powers under



Clause 28 of the Bihar Target (Control Order, the Public Distribution License of the Petitioner bearing License No. 77/2016 has been suspended vide order dated 16.06.2020 on the ground of institution of F.I.R. being Garkha P.S. Case No. 146/2020 under Section 7 of the E.C. Act and subsequently exercising power under Clause 28 of the Bihar Target (Control) Order vide order dated 21.08.2020 cancelled the PDS license of the petitioner which is totally on non-est and erroneous grounds completely in a mechanical manner without even supply of the enquiry report to the petitioner which is the complete violation of Principle of Natural Justice.”

3. Learned counsel for the petitioner has stated that the petitioner has been appointed as a PDS dealer in the year 2016. That an inspection of the PDS shop has taken place on 02.04.2020 and the Block Supply Officer vide letter dated 25.05.2020 has sent his report to the Sub Divisional Officer. That the petitioner was issued a show cause notice on 16.06.2020 vide Memo No. 74 and the petitioner has submitted his explanation to the said show cause notice. The Sub Divisional Officer has passed the order of cancellation on the ground that the petitioner has indulged in black marketing of the grains and not supplying the foodgrains to the consumers within



time. Further on inspection, it was found that the petitioner was having a quantity of 23 quintals of rice and 24 quintals of wheat in the shop but as a matter of fact the petitioner should have only 15 quintals 34 Kgs of rice and 13 quintals and 34 Kgs of wheat, which points out to the fact that the petitioner has been indulging in black marketing of the foodgrains by not supplying the same to the beneficiaries. Learned counsel for the petitioner has stated that the purported statement of one Jaitun Bibi was taken into consideration to cancel the license but as a matter of fact the said Jaitun Bibi had died more than two years back. That the entire investigation, the inquiry report and also the show cause notice issued to the petitioner are perverse and cooked up only with a view to implicate the petitioner and the order of cancellation without any legal basis. Further, learned counsel has stated that the petitioner has been acquitted of all charges by the Sub Divisional Judicial Magistrate, Saran, Chapra in Criminal Case No. 2816 of 2024 vide order dated 19.04.2024. That the Sub Divisional Officer has passed the order of cancellation dated 16.06.2020 on the very same set of fact as in the criminal case. The petitioner has filed a statutory appeal and a revision before the District Magistrate and the Divisional Commissioner respectively, the authorities have not adverted to



the grounds raised by the petitioner and dismissed the appeal and revision in a mechanical manner. Learned counsel has, therefore, prayed this Hon'ble Court to allow the present writ petition and set aside the impugned orders passed by the Divisional Commissioner, the District Magistrate and also the Sub Divisional Officer.

4. *Per contra*, the learned counsel appearing on behalf of the respondent State has vehemently opposed the prayer sought for in the present writ petition. Learned counsel has stated that based on the inquiry report made by the Block Supply Officer pointing out the violations of the provisions of Bihar Targeted (Control) Order, 2016. Learned counsel has stated that the petitioner has not been supplying the required foodgrains to the beneficiaries and has been hoarding the grains for the purpose of black marketing. Learned counsel has further stated that the orders passed by the Sub Divisional Officer, the District Magistrate and also the Divisional Commissioner are all well reasoned order, which do not require any interference by this Hon'ble Court. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly as seen from the record, initially an FIR has been lodged against the petitioner on the basis of the



complaint made by the Sub Divisional Officer. Subsequently, the charge sheet was filed and the Sub Divisional Judicial Magistrate, Saran, Chhapra after analyzing the evidence produced by the parties in Trial Case No. 2816 of 2024 dated 19.04.2024 has acquitted the petitioner of all the charges. It is pertinent to note that the charges against the petitioner are similar to the charges levelled against him in the show cause notice dated 16.06.2020 issued by the Sub Divisional Officer. Once the petitioner has been acquitted in a criminal case on a particular set of charges, the very same set of charges cannot be the basis for cancelling the license of the petitioner. Further, it is to be noted that the complaint said to have been made by one Jaitun Bibi was found to be a false one as the said Jaitun Bibi had died two year back.

6. Having regard to the above mentioned reasons, the impugned order dated 20.12.2024 passed by the Divisional Commissioner, the impugned order dated 10.07.2023 passed by the District Magistrate and the impugned order dated 21.08.2020 passed by the Sub Divisional Officer are all set aside. The license of the petitioner is directed to be restored and the authorities are directed to resume the supplies to the petitioner immediately so as to enable the petitioner to distribute the grains



to the beneficiaries.

7. The present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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