

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3789 of 2025

=====

Amir Adnan Khan Son of Ali Sher Khan Resident of village- Bar, P.O.- Bar
Hussainganj, P.S.- Shergahti, District- Gaya, 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, Sadar Sherghati, Gaya.
3. The Block Supply Officer, Sherghati.

... .. Respondent/s

=====

Appearance :

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

=====

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

3 24-04-2025 Heard learned counsel for the parties.

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

“That the present application is being filed on behalf of the petitioner for setting aside the order dated passed by the Learned S.D.O-cum-Licensing Authority, Sherghati, Gaya, whereby and where under Clause 28 of the Bihar Target (Control) Order, the Public Distribution License of the Petitioner bearing License No. 1/2022 has been suspended in Supply Case No 19 of 2024 order dated 28.08.2024 on the ground of institution of F.I.R. being Sherghati P.S. Case no 413 of 2024 under Section 7 of the E.C. Act is totally on non-est and erroneous ground in completely in a



mechanical manner which is the complete violation of Principle of Natural Justice.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Sherghati P.S. Case No. 413 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 28.08.2024 (Annexure-5) is hereby quashed and 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)

Gauravkr/-

U			
---	--	--	--

