

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5293 of 2025

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Baleshwar Kumar @ Baleshwar Manjhi Son of Kato Manjhi, Resident of Village-Kundil, PO-Binda, P.S-Barachatti, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sherghati, Gaya.
4. The Block Supply Officer, Barachatti, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Advocate
		Mr. Avinash Gaurav, Advocate
For the Respondent/s	:	Mr. Addl. Advocate General (12)

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

4 01-05-2025 Heard learned counsel for the parties.

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

“for issuance of appropriate writ/writs, order/orders and direction/directions to quash the order dated 07-02-2025 contained in Memo No. 81 by which the Ld. Sub Divisional Officer, Sherghati (Gaya) cancelled the P.D.S. License No. 37/2016 of the petitioner contrary to rule 28 &29 of the Bihar Targeted P.D.S. (Control) Order, 2016 only on the ground of FIR lodged in Barachatti P.S. case No. 442/24 and for direction upon the respondent No.3 to continue allocation to the Public Distribution System Shop of the petitioner after declaring the cancellation order null and void and/or pass such other orders) as your Lordships may deem fit and proper under the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the



solitary ground given in the show cause notice dated 07.01.2025 vide Memo No. 556 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Barachatti P.S. Case No. 442 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 07.02.2025 (Annexure-P/5) passed by the Sub-Divisional Officer, Shergati, Gaya, 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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