

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5415 of 2025

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Naurangi Ram Son of Harihar Ram Resident of Village- Taunsa, Police Station- Atri, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Nimchak Bathani, Dist-Gaya.
4. The District Agriculture Officer, Gaya.
5. The Agriculture Coordinator, Block Atri, Dist.-Gaya.
6. The Officer In Charge, Police Station Atri, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Respondent/s : Mr. Addl. Advocate General (13)

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

3 26-06-2025 Heard the learned counsel for the parties.

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

“1. That this application is for issuance of appropriate writ(s), order(s) and direction(s) to release 350 bags of Urea fertilizer (Yara Fertilizer India Pvt. Ltd.) each bag containing 45 Kg which have been illegally seized by the Agriculture Coordinator Atri (Gaya) in connection with Atri P.S. case No. 04 of 2025 dated 02-01-2025 registered under Section 318(2) of the BNS and 7 of E.C. Act on bald allegation and/ or pass cuh other order(s) as your Lordships deem fit and proper under the facts and circumstances of the case.”



3. It is the case of the petitioner that he is a dealer of fertilizer having License No. 168/2019-2020R from the competent authority. That on 02.01.2025, inspection of the shop has taken place and the authority has cancelled the license of the petitioner on the ground that the license of the petitioner has expired on 31.03.2024.

4. Learned counsel appearing on behalf of the petitioner has stated that the license of the petitioner was renewed *vide* order dated 11.12.2024 (Annexure-P/3) therefore, the contention of the authority that the license of the petitioner has expired on 31.03.2024 as on the date of inspection i.e., 02.01.2025 is without any legal basis. Learned counsel has therefore, prayed this Hon'ble Court to set aside the impugned order dated 02.01.2025 by allowing the present writ petition.

5. *Per contra*, the learned counsel appearing on behalf of the respondent-State has vehemently opposed the very maintainability of the present writ petition and stated that as on the date of inspection, it is found that the license of the petitioner was already expired and the petitioner was found indulging in black-marketing of the fertilizers. That the authority duly taking into consideration the same, has lodged an FIR under Section 318(2) of the BNS and Section 7 of the EC



Act bearing Atri P.S. Case No. 04 of 2025. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. A perusal of the impugned order reveals that inspection has taken place on the shop of the petitioner and on 02.01.2025, the authority has come to the conclusion that the license of the petitioner has expired on 31.03.2024 but as seen from the order dated 11.12.2024, the license of the petitioner was already restored vide the said order. However, the authority has not taken the same into consideration and passed the impugned order in a mechanical manner. As on the date of inspection, the license of the petitioner was very much valid and, therefore, the contention of the authorities that the license of the petitioner has expired on 31.03.2024 is without any legal basis. Though in the counter-affidavit as well as the counsel for the respondent-State has stated that the petitioner is black-marketing the fertilizers and there is absolutely no whisper in the order with regard to the same except mentioning that the petitioner is indulging in black-marketing, no specific instances have been cited.

7. Having regard to the same, the impugned order dated 02.01.2025 is set aside and the authorities are directed to



restore the license of the petitioner and permit the petitioner to run his shop.

8. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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