

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.688 of 2024**

Arising Out of PS. Case No.-28 Year-2024 Thana- VIJAYEPUR District- Gopalganj

Awadhesh Narain Mishra son of Ramadhar Mishra Village Po- Bharpurwa Ps-  
Vijaypur Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna Bihar
2. The Superintendent of Police, Gopalganj Bihar
3. The Station House Officer, Vijaypur Bihar
4. The Block Supply Officer Vijaypur

... .. Respondent/s

**Appearance :**

|                      |   |                                                                        |
|----------------------|---|------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Satyabir Bharti, Sr. Advocate<br>Mr. Prince Kumar Mishra, Advocate |
| For the Respondent/s | : | Mr. Raghwanand, GA 11<br>Mr. Prabhat Kumar, AC to GA 11                |

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

4      06-02-2025                      The short question involved in the instant writ petition is as to whether the husband of the PDS dealer, after her death can be made liable for delivery of the food grains under the Public Delivery System to another PDS dealer with whom the shop of the deceased was tagged.

2. It is pertinent to mention brief facts of the case. One Vimla Devi, since deceased, wife of Awadhesh Narain Mishra was the PDS dealer since 2016 on the basis of a notification No. 27/2016 at a place within Bharpurwa Panchayat under Block Vijaypur in the District of Gopalganj. She died on 12.09.2022.



On the very next day her husband gave information about her death in writing to the Block Supply Officer. Subsequently on 14.09.2022 on the basis of an order passed by the Sub-Divisional Officer, the PDS shop of the deceased was tagged with the shop of one Jayada Khatoon. On 25.09.2022 Jayada Khatoon declared that she recovered 56 quintals of rice from the PDS shop of the said Vimla Devi, since deceased. She also declared that she did not receive the remaining stock as the said stock was not appropriate for human consumption. In spite of the said declaration the petitioner was served with one after another notices directing him to hand over the remaining stock of the PDS shop to Jayada Khatoon.

3. It is contended on behalf of the petitioner that he is a practicing advocate of Gopalganj Civil Court and not connected with the PDS shop of his wife in any way. He never ran the PDS shop either during the life time or after the death of his wife. His wife used to run the PDS shop with the help of some employees. Jayada Khatoon with whom the shop of Vimla Devi, since deceased was tagged herself declared that besides 56 quintals of PDS rice other food grains are not fit for human consumption, therefore, she refused to accept the said food grains. The petitioner has nothing to do with the public



distribution system but against him the instant FIR bearing Vijaypur P.S. Case No. 28 of 2024 dated 14.02.2024 was lodged by the Block Supply Officer under Section 7 of the Essential Commodities Act.

4. Having heard the learned Advocate on behalf of the petitioner and the learned Advocat for the State, this Court is of the view that the FIR lodged against the petitioner is absolutely misconceived and malicious in nature. A third party to a PDS business cannot be dragged under the penal provisions of Essential Commodities Act for any act done by his wife, since deceased.

5. For the reasons stated above, I have no alternative but to quash the FIR instituted against the petitioner. Accordingly, the instant writ petition is allowed on contest. FIR Bearing Vijaypur P.S. Case No. 28 of 2024 dated 14.02.2024 is hereby quashed.

Prakash/-

**(Bibek Chaudhuri, J)**

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