

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7244 of 2025

Janardan Prasad, Son of Radho Prasad, Resident of Village - Pitaunjia, P.S.-
Bhadaur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat Patna.
2. The Collector and District Magistrate, Patna, District-Patna.
3. The Sub-Divisional Officer, Barh, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Labh, Adv.
For the Respondent/s	:	Mr.Standing Counsel (28)

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

2 23-06-2025 Heard learned counsel for the parties.

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

“That this writ application is being filed on behalf of the petitioner above named for issuance of an appropriate writ, order for quashing the order passed by the Sub-Divisional Officer, Barh vide Memo No. 602 dated 18/9/2020 whereby and whereunder license of the petitioner's P.D.S. shop bearing No. - 379/16 has early been suspended with immediate effect on a sole ground that a F.I.R. has been lodged against the petitioner and after that the same has been cancelled on the same sate of charges also contend in (Annexure 1) and further for direction to the licensing authority to restore the petitioner's licence and consumers of the petitioner's shop as before and to make the allotment for



the same.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 16.05.2020 vide Memo No. 312, for suspending the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Bhadaur P.S. Case No. 51 of 2020 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 18.09.2020 (Annexure P/1) is also 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)

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