

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10412 of 2024

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Yogendr Prasad @ Yogendra Prasad Son of Durga Prasad, resident of Village-Santpur Tharkulaha Tola Gudgudi, Police Station-Dumari, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food Supply and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, West Champaran at Bettiah.
3. The Additional Collector, West Champaran at Bettiah.
4. The Licensing Authority cum Sub Divisional Officer, Bagaha District-West Champaran.
5. The Block Supply Officer, Ramnagar, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate.

For the Respondent/s : Mr. Standing Counsel 26.

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

2 19-08-2025 Heard learned counsel for the parties.

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

“...for the issuance of a writ in the nature of certiorari or any other appropriate writ or writs for quashing the order dated 30.03.2024 passed by the Respondent No. 3 in Case No. CRM 492 of 2017-18 vide which the appeal filed by the petitioner against the order dated 10.10.2017 passed by the respondent No. 4 has been dismissed and also for quashing the order as contained in Memo No. 522 dated 10.10.2017 passed by the Respondent No. 4 vide which he has cancelled the PDS License No. 07 of 2015 (Old License No. 68/85) of the



petitioner.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 19.09.2017 vide Memo No. 430 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Ramnagar P.S. Case No. 311 of 2017 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 suspension 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 30.03.2024 passed by the Additional Collector, West Champaran at Bettiah and the order dated 10.10.2017 passed by the Licensing Authority-cum-Sub-Divisional Officer, Bagaha, District West Champaran are both 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, the authorities are free to take necessary action in accordance with law.

9. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with law.

10. With the above directions, the Writ Petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy, J)

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