

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4029 of 2026

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Kumar Shambhu Shankar S/o Raja Ram, resident of 1182/736E, Ward No. 17
Shahid Ram Govind Singh Path, Near New Bye Pass Over Bridge, West Jai
Prakash Nagar, P.S.-Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Patna.
2. The District Magistrate Patna.
3. The Sub Divisional Officer (Supply) Patna Sadar, Patna
4. The Supply Inspector, Ward No. 17, Anisabad, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Respondent/s : Mr. Standing Counsel (18)

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

3 12-05-2026 Heard the learned counsel for the parties.

2. The present Writ Petition has been filed for the
following relief(s):-

*“(i) For quashing of the
impugned order issued vide Memo No.
636 dated 04.08.2022 by Respondent No.
3.*

*(ii) For direction upon the
respondents to restore the FPS license
and beneficiaries of the petitioner;*

*(iii) Till pending disposal of
this writ petition, operation of the*



impugned order dated 04.08.2022 may kindly be stayed;

(iv) For any other relief(s) as your lordships may deem fit and proper in the facts and circumstances of the case.”

3. Without going into the merits or demerits of the case, the present writ petition is disposed of at the stage of admission with the consent of both the Counsels.

4. Learned counsel appearing on behalf of the petitioner submits that the PDS license of the petitioner has been suspended *vide* order dated 04.08.2022 passed by the Sub-Divisional Officer (Supply), Patna Sadar, Patna (Annexure-P/1) and till date the authorities have not passed the final order. Further, the learned counsel submits that a Coordinate Bench of this Hon'ble Court in Criminal Miscellaneous No. 52440 of 2023 dated 23.03.2026 has already quashed the order dated 06.07.2023 passed by the SDJM, Patna in SPL No. 14/2022 arising out of Jakkanpur P.S. Case No. 390 of 2022. Further, it is stated that the Jakkanpur P. S. Case No. 390 of 2022 has been stayed by a Coordinate Bench of this Hon'ble Court in Criminal Miscellaneous No. 52440 of 2023 dated 30.09.2024.

5. Learned counsel for the Respondent-State



appears and has been heard.

6. On consideration of the materials on record and the submissions made, this Court finds merit in the present writ petition.

7. 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. Further, it is to be seen that the criminal case has already being stayed by this Court.

8. In view of the above, the impugned order of suspension dated 04.08.2022 passed by the Sub-Divisional Officer (Supply), Patna Sadar, Patna i.e. Respondent No. 3 herein (Annexure-P/1) is hereby set aside.

9. The supplies to the petitioner shall be restored without delay.

10. 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.

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

(A. Abhishek Reddy, J)

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