

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3903 of 2026

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Ajay Kumar Son of Nawal Kishor Singh, resident of Village- Bhadai, Block-
Aurai, P.S. - Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food
Supplies and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Muzaffarpur.
3. The Sub. Divisional Officer, Muzaffarpur (East), Muzaffarpur.
4. The Block Supply Officer, Aurai, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.
For the Respondent/s : Mr. Standing Counsel (13)

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

4 24-06-2026 Heard learned counsel for the parties.

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

*“i). For quashing the order
contained in 1493/Aa. dated 08.11.2022 passed
by the Sub. Divisional Officer, Muzaffarpur East
by which the licence of the petitioner bearing
Licence No. 23-06-25-06/2019 was suspended
with immediate effect vide order contained in
memo no. 741 dated 23.06.2022 and further
asking the petitioner to submit the show cause
within 15 days, as to why his licence should not
be cancelled under the provision of Bihar Target
Public Distribution Scheme (Control) Order
2016.*



ii). To quash the order dated 23.02.2024 passed in Case No. 01/Supply Appeal/2023 by the Collector-cum-District Magistrate, Muzaffarpur, confirming the order of the S.D.O., Muzaffarpur (East) holding that the suspension of the licence of the petitioner on account of judicial custody and asking of show cause, needs no interference.

Further, the petitioner prays for relief for issuance of writ order or direction, particularly in the writ of Mandamus, directing and commanding the respondent authorities to restore the P.D.S. Licence on the ground that the petitioner is acquitted vide order dated 05.08.2025 passed in Hathauri P.S. Case No. 153/22 by the learned trial court of S.D.J.M. (East), Muzaffarpur.

(iii) To quash the memo no. 1677 dated 19.12.2022 passed by the learned S.D.O., Eash Muzaffarpur by which the P.D.S. License of the petitioner has been cancelled.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Hathauri P.S. Case No. 153 of 2022 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 order of suspension dated 08.11.2022 is hereby quashed and consequently the appellate order dated 23.02.2024 is also set aside.

7. Further it is to be noted that the petitioner has been acquitted of all the charges in the criminal case filed against him pursuant to the FIR bearing Hathauri P.S. Case No. 153 of 2022.

8. Needless to say, supplies to the petitioner shall be restored without delay.

9. 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.

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

(A. Abhishek Reddy , J)

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