

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6472 of 2026

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Jai Prakash Gupta, Son of Laxmi Prasad Gupta, Resident of Village -
Majhwaliya, P.S. - Vijayipur, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The District Magistrate-cum- Collector, Gopalganj.
4. The Sub-Divisional Officer (SDO) cum Licensing Authority, Hathua, District- Gopalganj.
5. The District Supply Officer, Gopalganj.
6. The Block Supply Officer (BSO), Vijayipur, District- Gopalganj.
7. The Station House Officer (SHO), Vijayipur Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate.
For the Respondent/s : Mr. Ajay Behari Sinha, GA 8.

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

2 29-04-2026 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s) :

*“A. For issuance of writ in the
nature of Certiorari, quashing the Memo
No. 2209 dated 19.09.2025 issued by
Respondent No.3 (Sub-Divisional Officer,
Hathua), whereby and whereunder, the
Public Distribution System (PDS) License
No. 02/2020 of the petitioner has been
suspended merely on the ground of*



institution of Vijayipur P.S. Case No.299/2025, dated 12.09.2025, u/s 7 of Essential Commodities Act which is contrary to law laid down in case Umesh Ram vs. The State of Bihar and others, AIR 2014 Patna and Order dated 26.10.2024 passed in CWJC No.9891/2024 (Mukesh Kumar Singh Vs State of Bihar) and several decisions of this Hon'ble Court.

B. Further holding and declaring that such suspension, based merely on lodging of an FIR, is illegal, arbitrary and unsustainable in the eyes of law, being contrary to the law laid down by this Hon'ble Court in Umesh Ram vs. State of Bihar & Ors., AIR 2014 Patna, as well as in CWJC No. 9891 of 2024 (Mukesh Kumar Singh vs. State of Bihar & Ors.), order dated 26.10.2024, and other binding precedents.

C. For issuance of an appropriate writ, order, or direction in the nature of mandamus, directing the respondent authorities to immediately restore PDS License No. 02/2020 in favor of the petitioner and resume the supply/allotment of essential commodities to the petitioner's fair price shop without any further delay.”

3. Learned counsel for the petitioner has assailed the impugned order dated 19.09.2025 passed by the Sub-Divisional Officer, Hathua, District-Gopalganj (Respondent No. 4) on two grounds, (1) that the same is violation of Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016



(hereinafter referred to as, “the Control Order, 2016”) and (2) further that the suspension of the license is only on the basis of the FIR. Learned counsel has relied on the judgments of the this Court passed in C.W.J.C. No. 16733 of 2016, dated 07.03.2017 and C.W.J.C. No. 8168 of 2023 in support of his case.

4. Admittedly, in the present case the license of the petitioner was suspended on 19.09.2025 and till date no final orders have been passed by the authority.

5. A perusal of Clause 28 of the Control Order, 2016, reveals that the license of the dealer can be suspended only under two circumstances (1) that the license holder is a fugitive and (2) that he is behind the bars, in the present case both the conditions are missing. Further it is to be noted that even though 180 days have elapsed, till date the authorities have not passed the final order, it is well settled law that the suspension cannot be continued after lapse of 180 days.

6. Having regard to the judgments of this Court passed in C.W.J.C. No. 16733 of 2016, dated 07.03.2017 and C.W.J.C. No. 8168 of 2023 wherein this Court has held as under:

“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.”

7. Having regard to the above, the impugned order dated 19.09.2025 is set aside. The license of the petitioner is directed to be restored. The authorities are further directed to restore the supply of the food grains immediately so as to enable the petitioner to distribute the grains to the consumers.

8. With the above directions, the Writ Petition is allowed to the extent indicated.

(A. Abhishek Reddy, J)

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