

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8744 of 2026

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Md. Kazim Son of Md. Ekramul Haque, resident of Village- Madarsa Chowk
Chainpur, P.S.-Kudhni, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumer Protection, Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The Sub-Divisional Officer, West Muzaffarpur.
5. The District Supply Officer, Muzaffarpur.
6. The Block Supply Officer, Kudhni, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Kumar, Adv. Mr. Murli Manohar, Adv. Mr. Shubham Samrat, Adv.
For the Respondent/s	:	Mr. Government Advocate (11)

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

2 24-06-2026 Heard learned counsel for the parties.

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

“To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing notice as contained in the memo dated 24.02.2025 issued from the office of Sub-Divisional Officer (West) Muzaffarpur (Hereinafter referred to as respondent No.4) whereby and whereunder the petition has been directed to furnish explanation alongwith evidence within seven days of the issuance of notice failing which P.D.S. license



should be cancelled in terms of provisions as contained in Bihar Targeted Public Distribution System (Control) 2016.

(ii) To direct the respondent No.3 to restore the P.D.S. license of the petitioner vide license No. 23150049/ 2016 taking into consideration that order as contained in memo No.1166 dated 31.12.2024 by which license of the petitioner was suspended lost its force.”

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 Maniyari P.S. Case No. 303 of 2024 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 24.02.2025 passed by the Sub Divisional Officer is hereby quashed and consequently 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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