

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8693 of 2026

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Rajesh Prasad, son of Ramanand Sah, resident of village - Taulaha, P.S.-
Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies,
Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supplies, Government of Bihar,
Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The Sub- Divisional Officer, Bagaha, West Champaran.
5. The Block Supply Officer Ramnagar, Block, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate.

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 the learned counsel for the parties.

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

*“...for the issuance of writ in the
nature of mandamus to quash the office order
contained in memo no. 435 dated 04.07.2025
passed by Respondent No. 2, the Sub-Divisional
Officer, Bagaha, whereby in exercise of power
under Clause 18 of the Bihar Targeted Public
Distribution System (Control) Order, 2016,
License No. 100/2017 issued in favour of
petitioner has been suspended and further
direction has been issued upon the respondent
Block Supply officer, Ramnagar to send proposal
for attachment of PDS shop of the petitioner.*

(ii) For further direction upon



respondent authorities to pass reasoned order upon reply to the show cause filed by the operator of petitioner's shop namely Dharmendra Paswan to the show cause notice contained in letter No. 497 dated 04.07.2025 within reasonable time and revoke the suspension order."

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 04.07.2025 vide Memo No.457 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Ramnagar P. S. Case No. 395 of 2025 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



04.07.2025 passed by the Sub-Divisional Officer, Bagaha is 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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