

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10932 of 2025

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Anil Kumar, Son of Satyanarayan Prasad, Resident of Godna Koiri Tola, P.S.-
Revelganj, District- Saran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Sub-Division, Chapra, Saran at Chapra.
3. The Collector-cum-District Magistrate, Saran at Chapra, District- Saran.
4. The Sub Divisional Officer, Sadar Chapra, Saran at Chapra.
5. The Block Supply Officer, Revelganj, Chapra, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. Standing Counsel (7)

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

5 03-04-2026 Heard learned counsel for the parties.

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

- “i. For issuance of appropriate writ/writs, order/orders, direction in nature of certiorari quashing the order dated 21.02.2025/04.04.2025 passed in Supply Revision Case No. 190/2023 passed by the Learned Commissioner, Saran Sub-Division, Chhapra whereby and where under he has dismissed the revision petition and confirmed the order dated 15.05.2023 passed by the Learned District Magistrate, Saran, at Chapra. District- Saran by which the statutory appeal was dismissed.*
- ii. Further for quashing the order dated 15.05.2023 passed in Supply Appeal No.*



26/2021 passed by the District Magistrate, Saran at Chapra, whereby and where under he has confirmed the order dated 29.06.2020 passed by the Learned S.D.O.-cum-Licensing Authority, The Sub Divisional Officer, Sadar Chapra, Saran at Chapra.

iii. Further for quashing the order dated 29.06.2020 passed by the Learned S.D.O.-cum-Licensing Authority The Sub Divisional Officer, Sadar Chapra, Saran at Chapra by which the PDS license of the petitioner being License No. 25/2016 has been cancelled.

iv. Further for issuance appropriate writ/order/direction in which the petitioner found to be entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 28.06.2020 vide Memo No. 146 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Revelganj P.S. Case No. 93 of 2020 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 21.02.2025/04.04.2025 (Annexure P/8) passed by the Revisional Authority is hereby quashed and consequently, the appellate order dated 15.05.2023 (Annexure-P/6) and the order dated 29.06.2020 (Annexure P/4) passed by the Sub-Divisional Officer are also 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)

Bhardwaj/-

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