

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15242 of 2025

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Naresh Das S/o Late Ram Das, Resident of Village- Goitha, P.S. and Anchal-
Bankey Bazar, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Supply Officer, Gaya.
4. The Sub Divisional Officer, Sherghati, Gaya.
5. The Block Supply Officer, Bankey Bazar, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Adv.
For the Respondent/s : Mr. Government Advocate (2)

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

3 28-01-2026 Heard learned counsel for the parties.

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

*“(i) To issue an appropriate order/s,
direction/s including a writ preferably in the
nature of CERTIORARI for quashing of the
order dated 02-01-2025 as contained in Memo
No. 01 Aa, Sherghati, dated 02-01-2025 issued
by the learned S.D.O. Sherghati, Gaya
(Hereinafter referred to as Licensing Authority
under the Bihar Targeted Public Distribution
System (Control) order 2016) whereby and
where under he has cancel the fair price shop
license of the petitioner for committing illegality
and irregularity in distribution of food grains*



amongst to the consumers.

(ii) To direct the respondent NO. 04 the S.D.O., Sherghati, Gaya to restore the P.D.S. dealership license of the petitioner henceforth with taking into the consideration that the same is only means of earning livelihood.”

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 Roshanganj (Bankebazar) P.S. Case No. 26 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 02.01.2025 (Annexure-5) is hereby quashed and 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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