

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19881 of 2025

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Akalesh Kumar @ Akalesh Prasad, Son of Late Damodar Lal, Resident of Manikpur, P.S.-Kurtha, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Food Secretary, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Arwal, Bihar.
3. The Sub Divisional Officer, Arwal, at Arwal, Bihar.
4. The Block Supply Officer, Block-Kurtha, District-Arwal, Bihar.
5. The Assistant District Supply Officer, Kurtha, Arwal, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surya Swetabh, Advocate.

For the Respondent/s : Mr. Advocate General

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

5 28-04-2026 Heard the learned counsel for the parties.

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

“...for issuance of an appropriate writ in the nature of certiorari for quashing of the order dated 17.09.2025 (Annexure P/6) passed by the Respondent No. 3, the Sub Divisional Officer, Arwal, Bihar by which the Public Distribution System (PDS) License of the petitioner has been illegally and arbitrarily suspended.

(ii) For issuance of appropriate writ/writs in the nature of mandamus directing the concerned respondent to inquire in to allegations made by the petitioner vide e-mail dated 01.11.2024 to the Respondent No. 2 wherein accusations of demand of bribe had



been made against the Respondent No. 4.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 09.09.2025 vide Memo No.467 for cancellation of the PDS licence of the petitioner was that First Information Report (F.I.R.) bearing Manikpur P.S. Case No. 80 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 17.09.2025 passed by the Sub-Divisional Officer, Arwal (Annexure-P/6) 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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