

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20339 of 2025

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Devendra Paswan Son of Ganesh Paswan, Resident of Village-Dongila,
Village Panchayat-Tandwa, Police Station-Bankebazar, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sherghati, Gaya.
4. The District Supply Officer, Gaya.
5. The Block Supply Officer, Bankebazar, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Respondent/s : Mr. Standing Counsel 25

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

2 22-01-2026 Heard learned counsel for the parties.

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

“1. That this is an application for issuance of appropriate writ/writs, order/orders and direction/directions to quash the order dated 13-05-2025 contained in Memo No. 743 by which the Ld. Sub Divisional Officer, Sherghati (Gaya) has suspended the License No. 44/2016 of the petitioner only on the solitary ground of F.I.R lodged in Bankebazar P.S. bearing case No. 53/2025 dated 28-04-2025 contrary to Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016 when on that very time the petitioner not sent to jail or gone fugitive



and for direction upon the respondent No. 3 to continue allocation to the Public Distribution System Shop of the petitioner after declaring the order of suspension null and void and/or pass such other order(s) as your Lordships may deem fit and proper under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 13.05.2025 vide Memo No. 743 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Bankebazar P.S. Case No. 53 of 2025 had been instituted 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



13.05.2025 passed by the Sub-Divisional Officer, Sherghati, Gaya 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. With the above directions, the Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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