

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.503 of 2026

Manoranjan Kumar Deo, Son of Shdanand Prasad Deo, Resident of Village-
Ward No.- 3, Ekdara Kahalgaon, P.S.- Buddhu Chak, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, District- Bhagalpur.
3. The District Supply Officer, District- Bhagalpur.
4. The Sub- Divisional Officer, Kahalgaon, Bhagalpur.
5. The Block Supply Officer, Kahalgaon, Bhagalpur.

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr.Government Pleader (23)

MR. Sanjay Kumar, AC to GP 23

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

4 01-04-2026 **I.A. No. 01 of 2026**

For the reasons stated in the Interlocutory Application,
the same is allowed.

2. Registry is directed to make the necessary changes
in the prayer portion of the present writ petition.

3. Heard learned counsel for the parties.

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

*“A. A Writ in the nature of certiorari or any
other appropriate writ order for quashing &
setting aside the order passed by the Sub
Divisional Officer, Kahalgaon vide Memo
No.743 dated 19.09.2025 whereby and where*



under license of the petitioner P.D.S shop bearing License No. 62/16 has been suspended only on the basis of the F.I.R registered against the petitioner under 7 of the E. C. Act 1955 in Buddhu Chak P.S. Case No. 80/2025 alleged allegation of black marketing of food grains contained therein Annexure -P/4 with some general, ominous, false, fabricated & self manufactured allegations have leveled against him prejudicially & purely with pure malicious intention which is beyond the truth & fact of this matter.

B. A mandamus commanding the Respondent i.e. S.D.O, Kahalgaon to restore the petitioner P.D.S. Shop license bearing license No. 62/16 contained therein Annexure -P/1(Series) and consumers of P.D.S shop of the petitioner as before and resume the monthly allotment of food grains as same as before.

C. Any other relief or reliefs for which the petitioner may be found entitled in the fact and circumstances of the present case may be granted to him.”

5. The following paragraph has been added vide order dated 01.04.2026 through I. A. No. 01 of 2026.

"quashing & setting aside the order passed by the Sub- Divisional Officer, Kahalgaon containing Memo No. 905 dated 22.11.2025 contained therein Annexure -P/8 whereby and where under license of the petitioner P.D.S shop bearing License No. 62/2016 has



been Cancelled only on the basis of a F.I.R has been lodged against the petitioner in Buddhuchak P.S. Case no.80/ 2025 dated 13.09.2025 with some general, ominous, false, fabricated & self manufactured allegations have leveled against him prejudicially & purely with pure malicious intention which is beyond the truth & fact of this matter.

6. Learned counsel for the petitioner submits that the solitary ground given in the order dated 19.09.2025 vide Memo No. 743 for suspending the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Buddhu Chak 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.

7. Learned counsel for the respondents appears and has been heard.

8. 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.

9. In view of the above, the impugned order dated 19.09.2025 (Annexure P/7) as well as the order dated 22.11.2025 (Annexure P/8) are also set aside.

10. Needless to say, supplies to the petitioner shall be restored without delay.

11. 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.

12. With the above directions, the Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

Bhardwaj/-

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