

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 614 of 2025**

Sri Sajal Banik,

S/O- Lt. Nityananda Banik, R/O VIII- Town Pratapgarh, Central Road Extension, Near Hanging Bridge, P.O-Agartala, P.S- East Agartala, District- West Tripura, Pin-799001, Aged about- 68 years.

.....PETITIONER

VERSUS

1. The State of Tripura,

Represented by its Secretary, Department of Health and Family Welfare Department. Govt. of Tripura, New Secretariat Complex. P.O-Secretariat, Pin-799010, Agartala, West Tripura.

2. Deputy Drugs Controller & Licensing Authority, Govt. of Tripura, Pt Nehru Complex, Gurkhabasti Agartala, West Tripura, PIN: 799006

3. Smt Lipika Debbarma, Inspecting Officer (Drugs), Govt. of Tripura, O/O- Deputy Drugs Controller, Pt Nehru Complex, Gurkhabasti Agartala, West Tripura, PIN: 799006.

.....RESPONDENTS

For the Petitioner(s) : Mr. Ratan Datta, Advocate.
Mr. A. T Pal, Advocate.

For the Respondent(s) : Mr. Kohinoor N. Bhattacharyya, G.G.

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER**

31.10.2025

[1] Heard learned counsel appearing for both the parties.

[2] This present petition has been filed under Section 226 of the Constitution of India seeking the following reliefs:-

“i. Issue Notice upon the Respondents.

ii. Call for records.

iii. Issue rule calling upon the Respondents to show cause as to why a Writ of Certiorari for setting aside the order vide Order No. F.1 (AGT-157)/DC/92 dated 23.10.2025 shall not be issued.

AND

iv. Be pleased to Stay the operation of the order dated 23.10.2025 till disposal of this instant Writ Petition.

V. And after hearing the period be pleased to make the rule absolute.”

[3] The brief facts of the case is that the drug license of the Petitioner was suspended for a period of 45 days w.e.f 29.10.2025 to 12.12.2025 by the Deputy Drugs Controller & Licensing Authority, Govt. of Tripura under Rule 66(1) of the Drugs and Cosmetics Rules, 1945. The Petitioner further seeks a stay on the operation of the order dated 23.10.2025 whereby the drug license of the Petitioner was suspended for a period of 45 days. It has been stated that the impugned order dated 23.10.2025 whereby the drug license of the Petitioner was suspended for a period of 45 days is not sustainable in the eye of law as the irregularities found in inspection was not willful or intentional. It is also stated that neither notice of personal hearing was served upon the Petitioner nor did the Licensing Authority appreciate the reply to the show cause notice submitted by the Petitioner dated 10.10.2025. Being aggrieved this present petition is filed.

[4] Mr. Ratan Datta, learned counsel appearing for the petitioner submits before this Court that on 11.09.2025, the Respondent No.3 along with other staffs conducted a routine inspection in the business premises of the Petitioner and based on the inspection report, a show cause notice was served upon the Petitioner under Rule 66(1) of the Drug Rules, 1945.

[5] He further submits that during the said inspection, some purchase orders of few drugs out of the bulk stocks were not traceable. It is important to mention that, the purchase records of the bulk amount of drugs amounting to Rs 50 lakhs (approximately) were available with the Petitioner and as such the Inspection Team failed to raise any

irregularity regarding the remaining massive stock. Only the purchase record of few drugs were missing during the conduction of the inspection as revealed from the inspection report and the market rate of the drugs whose purchase records were not traceable amounted to only Rs 15,000/ (approximately). He also contends that purchase records of few drugs which were missing was a result of negligence on the part of the Petitioner and was not intentional. He, therefore prays to allow the reliefs as prayed for.

[6] On the other hand, Mr. Kohinoor N. Bhattacharyya, learned G.A. submits that there is a provision in Section 66 (2) of the Drugs and Cosmetics Rules, 1945 wherein the petitioner can approach for alternative remedy before the appellate authority for reducing the penalty. He also submits that the first three drugs of the list are abortive in nature and these are serious for human consumption. He, therefore prays to dismiss the petition.

[7] Heard and perused the evidence on record.

[8] It is seen from the record that the notional punishment has been given to the petitioner under rule 66 (1) of the Drugs and Cosmetics Rules, 1945 which provides for punishment and accordingly, the suspension order has been passed by the I/C, Dy. Drugs Controller, Govt. of Tripura.

[9] Since, the period of suspension is not specified in the statue of Drugs and Cosmetics Rules, 1945, the concerned officer notionally imposed 45 days penalty. After perusing the allegation leveled against the petitioner, this Court considers that imposing punishment of 45 days of suspension of drug license is excessive and taken a lenient view in this regard, this Court reduced it to 20 days.

[10] Accordingly, the instant writ petition stands dismissed. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

DR. T.AMARNATH GOUD,J

Paritosh

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