

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.7041 of 2014 (O&M)

Date of decision: 03.09.2015

M/s Continental Medicine Centre

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Salil Sabhlok, Advocate for the petitioner.

Mr.K.D.S.Sidhu, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J.

The petitioner firm – M/s Continental Medicine Centre through its sole proprietor Vijay Kumar applied for grant of a license for retail as well as wholesale of the drugs and cosmetics under the Drugs and Cosmetics Act, 1940. Vide order dated 14.3.2008 (Annexure P-3), the request of the petitioner was rejected by the Licensing Authority-cum-State Drugs Controller, Punjab - respondent No.2, against which, the petitioner filed statutory appeal under Rule 54(3) of the Drugs and Cosmetics Rules, 1945, which was also dismissed vide order dated 19.9.2013 (Annexure P-11) by the Secretary, Health-cum-M.D. NHM, Punjab - respondent No.4.

By filing the instant petition, the petitioner has challenged the aforesaid orders.

In response to notice of motion, reply on behalf of the

respondents, by way of counter affidavit of the Assistant Drugs Controller, Punjab has been filed, wherein, besides other pleas, the following facts have also been highlighted:

“7. That it is further submitted before this Hon'ble Court that as an outcome of the incident dated 22.10.2008, a criminal case has been launched on 4.11.2009 against the petitioner in the court of CJM, Jalandhar for contravening provisions of Section 18(c) and 18-A read with section 27(b)(ii) and 28 of the Drugs & Cosmetics Act, 1940 and the petitioner has been found guilty and released on probation for 1 year against a surety bond of Rs.5000/- by Additional Chief Judicial Magistrate, Jalandhar on 23.07.2014.

8. That meanwhile petitioner did not stop to refrain, contravening the provisions of Drugs and Cosmetics Act, 1940 further and again found stocking for sale allopathic drugs on 22.2.2010 and 24.6.2010 in the shop under the name & style of M/s City Medicine Centre, Adampur without having any drugs sale licences and allopathic drugs were recovered on both occasions under the provisions of Drugs & Cosmetics Act, 1940 by Drugs Inspector, Jalandhar. So, two separate complaint for contravening the provisions of Section 18(c) & 18-A read with Section 27(b)(ii) & 28 have been launched against the petitioner in the court of Session at Jalandhar and are under process and next date of hearing is 11.9.2014 & 20.8.2014 for prosecution evidences & appearance respectively.”

It has been asserted that it is proved beyond any doubt that the petitioner is not a fit person to grant the drugs sale licences as he has no regard for the law of the land and has a criminal record in the past and the claim of the petitioner being eligible under Rule 64 is not justified.

In view of the above, there is no merit in the petition.

Dismissed.

September 03, 2015

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**(HARINDER SINGH SIDHU)
JUDGE**