

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6776 of 2016

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1. M/s Lucky Pharma through its Proprietor Binod Kumar S/o Late Parmanand Prasad, R/o Nala Road, Petrol Pump, P.S. Kadamkuan, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna
 2. The State Drug Controller-cum-Chief Licensing Authority, New Secretariat, Bihar, Patna
 3. The Licensing Authority, Drug Control Administration, Municipal Area, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Respondent/s : Mr. Rajesh Kumar- Gp19

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 22-04-2016 Heard counsel for the petitioner as well as learned appearing for the State.

The petitioner prays for setting aside the order contained in letter no. 579, dated 30.03.2016, issued by respondent No.3, the Licensing Authority Drugs Controller Administration, Municipal Area, Patna, whereby license of the petitioner has been suspended for a period of 30 days, under Rule 66 of the Drugs & Cosmetics Rules, 1945.

The petitioner has assailed the impugned order on a number of grounds. He submits that the licensing authority has passed the impugned order without consideration of the show-

cause filed by him. The petitioner further submits that though he has filed an Appeal before the Appellate Authority under Rule 66(2) of the Drugs & Cosmetics Rules, 1945, but as the Appellate Authority is not holding its sittings, he has preferred this application.

Counsel for the State submits that the petitioner has already filed his Appeal and he should pursue the same.

As the Act provide for an Appeal against the order of suspension under Rule 66(2) of the Drugs & Cosmetics Rules, 1945, this Court would find it appropriate that the matter be agitated first before the Appellate Forum. In view of the submission of the petitioner that the Appellate Authority is not holding its sittings, which fact is not affirmed by the State and as the order of suspension is for 30 days, this Court would allow an interim stay for a period of 10 days from today to proceed his remedy of Appeal.

With the aforesaid observation, this application is disposed of.

(Samarendra Pratap Singh, J)

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