

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6572 of 2016

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1. M/s Shree Pharma 6/8 Mahima Place, Govind Mitra Road, Patna,
 Proprietor Ambika Prasad S/o Late Chiranjilal, R/o Govind Mitra, Road,
 P.S. Pirbahore, Dist. 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, Advocate
 For the Respondent/s : Mr. AC to GA11

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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. 581, 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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