

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9376 of 2016

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M/s. Preeti Drug Agency, proprietor Ritesh Prasad Gupta, son of Sri Bharat Prasad Gupta, resident of Mool Chan Lane, Samastipur, P.S. Samastipur, District Samastipur

.... Petitioner

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 Controller Administration, Civil Surgeon Office Compound, Samastipur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate
For the Respondent/s : Mr. Rajeshwar Singh, G.A. 10 with
Mr. Dineshwar Tiwary, J.C. to G.A. 10

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 12-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks quashing of the order dated 1.2.2016 passed by the Licensing Authority, Samastipur by which the wholesale drug licence of the medicine shop of the petitioner has been cancelled.

It is not in dispute that the petitioner had already filed an appeal on 2.5.2016 before the appellate authority and the matter is pending there and there was a prayer for stay of the impugned order in the said memo of appeal itself.

Learned counsel for the petitioner submits that the drugs and medicines kept by the petitioner have a limited life containing the date of expiry and unless permission is accorded to the petitioner in terms of the provisions of the Act and the Rules to dispose them off the same lose their efficacy and are destroyed. It is also submitted by learned counsel that serious consequences are

being faced by the petitioner due to cancellation of the licence of the petitioner and in the present matter extreme penalty of cancellation is uncalled for.

On a consideration of the facts and circumstances of the case, the writ application is disposed of with the direction to the appellate authority to consider and dispose of the appeal filed by the petitioner within a period of three months from the date of receipt/production of a copy of this order.

In case an application is filed by the petitioner in terms of the provisions of the Act and the Rules for disposal of the stocks in question then the appellate authority must consider and dispose of any such application for interim relief within a period of two weeks from the filing of the same.

(Ramesh Kumar Datta, J)

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