

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19482 of 2014

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1. M/s Zee Laboratories, having its office at 47, Industrial Area, Paonta Sahib, Himachal Pradesh, through its authorized representative, Dhananjay Kumar Sharma Son of Sri Roopram Deputy General Manager (Institution Business), Zee Laboratories, Uchani, G.T. Road, Karnal - 132001.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The State Health Society, Bihar, through the Executive Director, Shekhpura, Patna.
4. The Secretary Health Cum Executive Director, State Health Society, Bihar, Shekhpura, Patna.
5. The Civil Surgeon cum Chief Medical Officer, East Champaran, Motihari.
6. The District Magistrate, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Adv.
For the State : Mr. Sunil Kumar, AC to AAG-6
For the Resp. No. 3 : Mr. K.K. Sinho, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-05-2016

Heard learned counsel for the petitioner and the respondents.

2. The present writ petition has been filed for release of payment of Rs. 10,74,540/- to the petitioner in respect of medicines supplied to the store of Civil Surgeon cum Chief Medical Officer, East Champaran, Motihari in response to the purchase order contained in letter no. 187, dated 12.05.2013 issued by the Civil Surgeon cum Chief Medical Officer, Motihari and in terms of the contract executed with the State Health Society, together with interest.

3. At the very outset, this Court takes note that an F.I.R. in East Champaran Sadar Town P.S. Case No. 327 of 2013 had been instituted on 01.08.2013 under Sections 409, 420 and

120B of the Indian Penal Code against the petitioner along with other co-accused persons including the then Civil Surgeon, Sadar Hospital, Motihari and Torque Pharmaceuticals Pvt. Ltd., with the allegations that the medicines kept in the verandah in front of the store of A.N.M. Training Centre were found without any document or supply orders under which the same had been purchased. It has further been alleged that the medicines said to have been supplied by the petitioner were not supported by any orders of supply and were not found recorded in the store registers and hence the accused persons had acted in collusion with one another in committing financial irregularities with a view of defalcating public money amounting to Rs. 70 lakhs.

4. Considering that the aforesaid F.I.R. is still under investigation, this Court does not find this a fit case in which to exercise its discretion in extraordinary writ jurisdiction to pass any positive order in the matter.

5. The writ petition accordingly stands dismissed.

6. Needless to say, the petitioner is always at liberty to approach any appropriate forum as may be available to it in accordance with law for redressal of its grievances.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N/A
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