

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5085 of 2016

Along with

Interlocutory Application No. 2357 of 2016

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M/s Laxmi Pharma, Proprietor Nirmal Kumar, S/o Late Hans Raj Gandhi, 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 Drug Inspector, Drug Control Administration, Patna- 12

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Shankar Das, Advocate.

For the Respondent/s : Mr. P.K.Verma, AAG-5,

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-03-2016

Re.: Interlocutory Application No. 2357 of 2016

Heard learned counsel for the parties.

The present Interlocutory Application has been filed for staying of the impugned order dated 01.03.2016 by which the drug licence of the petitioner has been suspended for a period of 60 days.

In view of the parties agreeing for disposal of the writ petition itself, the Interlocutory Application becoming infructuous, stands disposed off.

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Learned counsel for the petitioner submits that the order impugned, by which the drug licence of the petitioner has been suspended for 60 days, is on *non est* grounds and in fact does not fulfil

the criteria under which such suspension can be made. However, without going into the merits, he submits that a statutory appeal, under Rule 66 (2) of the Drugs and Cosmetics Rules, 1945, has been preferred by him before the State Government on 04.03.2016, but the same is not being considered and even the prayer of stay is lying undecided. He, thus, submits that on the one hand, the licence has been suspended causing undue loss to him and on the other hand, the appeal is also not being heard without any fault or laches on his part.

Learned counsel for the State, though supports the action of the respondents, but is not in a position to defend the fact that the appeal has remained undecided for a long period.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with the observation that the petitioner shall pursue the appeal filed before the State Government. However, during the pendency of such appeal, there shall be stay of the impugned order dated 01.03.2016 as contained in letter no. 311(15) passed by the respondent no. 2.

(Ahsanuddin Amanullah, J)

Sujit/-

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