

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5222 of 2016

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M/s. Kamalawati Drug Agency

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Respondent/s : Mr. Yogendra Pd. Sinha- Aag15

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 01-04-2016 The petitioner is a licensee under the Drugs and Cosmetics Act bearing licence No.163 of 1994 and 164 of 1994. The petitioner has challenged the impugned order dated 27.1.2016 by which his drugs licence has been cancelled.

The petitioner submits that drugs licence has been cancelled on non est ground and against the materials on record. He submits that it would be evident from the inspection report that the disciplinary authority has committed an error in cancelling his licence. The petitioner submits that he has already preferred statutory appeal under section 6 (2) of the Drugs and Cosmetics Rules, 1945.

In this view of the matter, this writ application is disposed of with an observation that the appeal be disposed of within a period of two months from the date of receipt/production of a copy of this order.

It is made clear that if the appeal is not disposed of within the aforesaid period, the petitioner would be at liberty to file a fresh writ application for relief sought for cancelling and staying the order. It will be open for the petitioner to make an application for staying the order of cancellation before the Appellate Authority. It is expected that the Appellate Authority would at least dispose of the petition for stay, if filed, expeditiously.

(Samarendra Pratap Singh, J)

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