

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7187 of 2016**

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M/s Prasad Medicine Centre, Jamui Nawada Road through its Proprietor  
Nageshwar Prasad, S/o Late Moti Sao, R/o Aliganj, P.S. Chandradeep, Dist.  
Jamui.

.... .... 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, Civil Surgeon  
Office, Compound, Jamui.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Shankar Das

For the Respondent/s : Mr. Uma Shankar, G.P.-4

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      11-05-2016                      Heard Mr. Ram Shankar Das, learned counsel appearing  
for the petitioner and Mr. Uma Shankar, learned G.P.-4 for the  
State.

The petitioner is aggrieved by the order dated 3.2.2016  
passed by the Licensing Authority, Jamui bearing memo no.  
'nil' as contained in Annexure-4 whereby the license of the  
petitioner bearing license no. JM15 of 2007 under Form-20 and  
JM 15A of 2007 under Form-21 issued under the provisions of  
the Drugs and Cosmetics Act, 1940 (hereinafter referred to as  
'the Act') read with the provisions of Drugs and Cosmetics  
Rules, 1945 (hereinafter referred to as 'the Rules') has been  
cancelled for alleged violations of the conditions of license. The

petitioner being aggrieved by the order of cancellation has gone in appeal provided under rule 66(2) of 'the Rules' which was filed on 19.2.2016, a copy of which is present at Annexure-5 but remains pending.

A short submission has been made by Mr. Ram Shankar Das, learned counsel for the petitioner to submit that until such time that the appeal is not disposed of by the appellate authority, the petitioner may be given interim protection. Although the prayer is opposed by Mr. Uma Shankar, learned State Counsel but considering that the matter is resting before the appellate authority I deem it fit and proper in the interest of justice to stay the order of cancellation of license dated 3.2.2016 passed by the Licensing Authority until the disposal of the appeal by the appellate authority.

The writ petition is accordingly allowed.

**(Jyoti Saran, J)**

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