

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5730 of 2016

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M/s Nav Jyoti Medical Store, near IGIMS, Sheikhpura, P.S.-Shastri Nagar, District- Patna through its Proprietor Binay Kumar Sharma, son of Sri Dudhnath Singh, resident of 59, Gandhi Nagar, Boring Road, P.S. Sri Krishna Puri, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Drug Controller cum Chief Licensing Authority, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the parties.

The writ petition has been filed for quashing the order dated 09.02.2016 issued by the respondent no. 2 by which the Drug Licence No. PAT-360/2011 (Form-20) and PAT-360A/2011 (Form-21) issued on 30.09.2011 has been suspended for 60 days from the date of receipt of the letter.

Learned counsel for the petitioner submits that though the impugned order by which the drug licence of the petitioner has been suspended for 60 days is based on *non est* grounds, but the facts did not fulfil the criteria under which such suspension can be made under the Drugs and Cosmetics Act, 1940 read with the Drugs and Cosmetics Rules, 1945 (hereinafter referred to as the 'Rules'), still he has also preferred a statutory appeal under Rule 66(2) of the Rules

which is pending. It is submitted that on the one hand, the appeal is not being considered whereas on the other hand the petitioner is also not being able to conduct his business, which is violative of his constitutional rights as there is no 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 controvert the fact that the appeal has remained undecided or give any justification for the same.

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 09.02.2016 passed by the respondent no.2.

(Ahsanuddin Amanullah, J)

Sujit/-

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