HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21370 OF 2016

ORDER:

The case of the petitioner is that it is carrying on the business of buying drugs in bulk and selling it into the market. While so, the stocks of the petitioner were seized on 21.05.2016 by the 3rd respondent on the ground that it has no license to deal with the drugs in the premises bearing flat No.119, 1st Floor, Bhanu Enclave, Near ESI Hospital, Sunder Nagar, Erragadda, Hyderabad. Thereafter, the petitioner made an application on 23.06.2016 to the 4th respondent for release of the stocks and the 4th respondent made an endorsement to the respondents 2 and 3 to take action for release of the seized stock. But till today no action has been initiated. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the respondent authorities have no power to seize the stocks of the petitioner under Drugs and Cosmetics Act, 1940. He also states that though the stocks were seized on 21.05.2016, the petitioner was informed about the seizure on 01.07.2016. He further pleaded that the medicines would become useless if the expiry date is over.

Learned Assistant Government Pleader for Medical and Health produced written instructions stating that the stocks of the petitioner were seized on 21.05.2016 and necessary intimation was also given to the Court of III Additional Chief Metropolitan Magistrate and sought for the safe custody of the seized property, which are required to be produced before as and when directed.

Counter affidavit is also filed by the 3rd respondent.

In the present case, the stocks of the petitioner were not seized on the ground of adulteration of medicines but only on the ground that it is carrying on the business in the premises other than the premises mentioned in the license. But the fact remains that on 04.06.2016, the petitioner was issued license even in respect of the premises where the stocks were seized. The nature of allegations against the petitioner does not appear to be serious, since the petitioner is having license on the date of seizure and subsequently, he obtained license in respect of the premises from where the stocks were seized.

In view of the above facts and circumstances, the 3rd respondent is directed to release the stocks of the petitioner within one (1) week on production of bank guarantee equivalent to the value of the stocks seized. However, the release will be subject to the orders to be passed by the III Additional Chief Metropolitan Magistrate.

With the above direction, the writ petition is disposed of. No costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

04-07-2016
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