

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5877 of 2017

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1. M/s Medica Pharma (A Unit of Medica Hospitals, Pvt. Ltd), Represented by Ayababh Deb Gupta S/o S.K. Deb Gupta, Premises Situated, at Road No. 2-B, Rajendra Nagar, P.S.-Kadamkuan, District Patna., Permanent R/o-Flat No. H1, G.block, Sherwood Estate, N.S.C Bose, Road, Near-Narendrapur, P.S.-Narendrapur, District-South Pargana, State-West Bengal

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna
2. That State Drug Controller-Cum-Chief Licensing Authority, New Secretariat, Bihar, Patna.
3. The Assistant Drug Controller, Drug Control Administration, Patna, (Licensing Authority).

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Shankar Das, Mr. Abhay Kumar
For the State	:	Mr. S.D. Yadav IX, Mr. Nagendra Kumar, AC to AAG IX

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-08-2017

Heard learned counsel for the petitioner and learned counsel
for the State.

In the present case petitioner is challenging the letter dated
2.3.2017 issued by the Health Department, Bihar, Patna by which
it has been decided by the Department that no application for new
licence of drugs would be obtained for sale of drugs till on-line
arrangement.

Petitioner has applied for grant of licence complying all the
formalities but the office refused to entertain the same due to



injection by the Government.

This case was adjourned on several occasions, submission has been made by AAG-9 that on-line registration would start very soon. The case was listed on 17.5.2017 and on that date, time was again granted to seek instruction in the matter. Again case was listed on 7.7.2017, on that day two weeks time was granted to the State to file counter affidavit. Again case was listed on 24.7.2017 and on that day also time was granted to list this case for 28.7.2017. On request of counsel of State the case has been listed. Again today case has been taken up.

Learned counsel for the State submits that till date on-line registration system is not operational, but is under process. Every patient has right to life under Constitution of India the drug is an essential element for survival. It is a necessity that drug house must be available at arms length. The present drug house is proposed to be opened at Magadh Hospital and if the shop of the drugs will not be available suffering patient will increase specially in the night. The drug house at Hospital always remain operational for 24 hours which is beneficial to the patient. As on line registration has not been started Magadh Hospital failed to establish the medicine shop.

This Court grants eight weeks time to the State to start on-



line registration service if the State would fail to start on-line registration, the application which has been filed by the petitioner for the purpose, will be taken into consideration and authority will take decision in accordance with law. If the State would start on line registration within the aforesaid period, in such circumstances, petitioner will be obliged to apply for licence on-line system in accordance with law.

With the aforesaid observation this wait petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.8.2017
Transmission Date	NA

