

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1888 of 2017

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M/s Kanti Medical Agency represented by Pankaj Kumar, S/o Shri Shiv Balak
Yadav, G-3, Mahima Palace, Govind Mitra Road, P.S. Pirbahore, Distt.-Patna.

.... 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 Assistant, Drug Controller N.M.C.H., Patna. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Respondent/s : Mr. Mujtabaul Haque, GP-12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-03-2017

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

In the present case, the petitioner is challenging the
order dated 30.12.2016 passed by the Assistant Drug Controller, Patna
by which licence of shop of the petitioner has been cancelled.

The petitioner is licensee under the Drugs and
Cosmetics Act, 1940 and Drugs and Cosmetics Rule, 1945. Licence
Nos. 20 B-PAT-435/2013 and 21 B & PAT-435A/2013, as per Rule,
were issued on 29.08.2013 to be valid upto 28.08.2018.

A raid was conducted and it was found that the
petitioner has committed illegality in sale of drugs. In pursuance
thereof, after issuing notice of show cause by the State Drug



Controller, Patna, vide letter No. 914 dated 30.12.2016, considering the show cause, cancelled the licence of the petitioner as found committed fault in running the shop.

Against the aforesaid order, the petitioner has filed an appeal before the Hon’ble Minister, Health, Government of Bihar, as per Rule 66 (2) of the Drugs and Cosmetics Rule 1945 and only question has been raised that till the disposal of the appeal, the petitioner should be allowed to run the shop. Appeal is continuation of the trial and the matter is pending for consideration before the Hon’ble Minister.

In such view of the matter, the Hon’ble Minister is directed to decide the appeal within a period of three months from today.

In the meantime, order dated 30.12.2016 passed by the Assistant Drug Controller, Patna for cancellation of licence shall remain stayed.

With the above observation, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	4.3.2017
Transmission Date	N/A

