

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9034 of 2017

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1. M/s Anamika Agency Proprietor Manoj Kumar, S/o Late Gajadhar Prasad
Premises situated at F.B.S. Road R/o Mohall Swarajpuri Road Near Bank of
Baroda, P.S.- Kotwali (Gaya), District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, New Secretariat, Patna.
2. The Assistant Drug Controller- Drug Control Administration, Gaya.
3. The Drug Inspector Sadar, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Respondent/s : Mr. NAGENDRA PD.YADAV-SC23

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-07-2017

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

In the present case, petitioner is challenging the order dated
27.5.2017 passed by the Assistant Drug Controller- Drug
Control Administration, Gaya by which his drug licence of
running medical shop has been suspended for the period of 90
days without considering the material available on record.

Petitioner is a licence holder and was running the shop of
medicine. The shop of the petitioner was inspected on 30.9.2016
and found certain irregularities. Thereafter the Assistant Drug
Controller asked a show cause to the petitioner stating therein
that some irregularities were found at time of inspection which
was replied by him but the authority concerned has suspended the
licence of shop by order dated 27.5.2017.



Even after expiry of 90 days, the shop of the petitioner is still under suspension and against the order of suspension petitioner has moved in appeal before the appellate authority under Rule 66(2) of the Drugs and Cosmetic Act which is still pending.

Learned counsel for the petitioner submits that the inspecting team has wrongly recorded infirmities though there is no infirmity.

In such view of the matter, the appellate authority is directed to dispose of the matter within a period of four weeks from the date of receipt/production of a copy of this order.

In the meantime, petitioner will be at liberty to run his shop till the disposal of the appeal by the appellate authority.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.7.2017
Transmission Date	NA

