

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9073 of 2017

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1. M/s New Revival Homeo Pharmacy Proprietor Jitendra Kumar, S/o Late Ram Lakhan Sah, R/o Gupta Colony, Bhikhna Pahari, P.S. Kadamkuan, 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-Drug Control Administration, Bihar, Patna.
3. The Assistant Drug Controller-Drug Control Administration, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Shankar Das
For the State	:	Mr. Birju Prasad, GP-13, Mr. Ashok Kumar, Mr. Amresh, Ac to GP-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-08-2017

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

In the present writ petition, petitioner is challenging the order of the appellate authority dated 12.6.2017 passed in Appeal Case No.51 of 2016 by which appeal filed by him has been rejected.

Petitioner is a licence holder for distribution of drugs. Inspection was made and certain irregularities were found which led to cancellation of licence. Petitioner approached the appellate authority and appellate authority without discussing the plea of the petitioner by a cryptic order has rejected the appeal of



the petitioner. Appeal is right of a person and appellate authority is required to discuss the fact and law in detail as appellate authority is continuation of trial. It must reflect that there is proper application of mind and cryptic order passed by the appellate authority cannot be approved by this Court.

In such view of the matter, the order dated 12.6.2017 passed by the appellate authority is set aside and appellate authority is directed to pass a reasoned order in accordance with law.

With the aforesaid observation this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.8.2017
Transmission Date	NA

