

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9229 of 2017

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M/s Soni Medical Agency Through Its Proprietor Dhiraj Pandit, son of Sri Bhubaneswar Pandit, Resident of Mohaddinagar, P.S.- Mojahidpur, District-Bhagalpur.

.... 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, Bihar, Patna.
3. The Assistant Drug Controller- Drug Control Administration, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Adv.
Mr. Abhishek Kumar, Adv.
For the Respondent/s : Mr. Pankaj Kumar- SC12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 03-08-2017

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

In this case, the petitioner is challenging the Memo No. 215 dated 21.06.2017, whereby and whereunder, the licence of the petitioner shop has been cancelled.

There is a provision of appeal. This Court, in some of the cases in which the persons have filed an appeal against the order cancelling the licence, has granted stay of the order till disposal of the appeal pending before the Hon'ble Minister. In the present case, the petitioner has directly challenged the order dated 21.06.2017 before this Court instead of moving to the appellate forum which is available



under the Drugs and Cosmetics Act and the petitioner ought to have moved there.

Accordingly, this Court directs that if the petitioner files an appeal before the appropriate authority within a period of three weeks from today, the impugned order contained in Memo No. 215 dated 21.06.2017 will be kept in abeyance till disposal of the appeal. This Court for passing such an order has taken cognizance of the order dated 15.11.2016 passed in CWJC No. 10150 of 2016 and analogous cases.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.08.2017
Transmission Date	NA

