

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.114 of 2017

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M/s S. M. Drug, Premises situated at Moolchand Road, Samastipur proprietor Md. Majharul Haq S/o Md. Isharul Haq R/o Vill - Rambhadrapur, P.O. - Ratwara, P.S. - Hayaghat, Distt. - Samastipur.

.... 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 Licensing Authority, Drug Control Administration, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Adv.

For the Respondent/s : Mr. S.D. Yadav, AAG-IX

Mr. Nagendra Kumar, AC to AAG-IX

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-02-2017

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

In this case, the petitioner is feeling aggrieved by the order dated 12.5.2016 passed by the Licensing Authority Drug Control Administration, Samastipur by which the drug license of the medicine shop of the petitioner have been canceled without considering the material available on record and without examining the fact and circumstances of the case.

Learned counsel for the petitioner submits that the order itself is completely non-est, arbitrary and fit to be set aside. Learned



counsel for the petitioner has again submitted that the petitioner has filed an appeal on 26.5.2016 (Annexure-5) but, the appellate authority who is the Honb’le Minister, Health, has not disposed of the same till date.

This Court is of the view that when the petitioner has filed an appeal under rule 66(2) of the Drugs & Cosmetic Act, 1945, it was the bounden duty of the appellate authority to dispose of the same at the earliest but, the same is pending before him. In that view of the matter, this Court directs the appellate authority to decide the appeal of the petitioner within a period of three months from the date of receipt/production of a copy of this order

In the meantime, the petitioner will continue to run the drug shop without any hindrance.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2017
Transmission Date	

