

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.827 of 2017

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M/s Capital Drug Agencies through its Proprietor Ghulam Akber, S/o Anzar Ahmed, R/o Chaknoor Road, Dhrampur, P.S. Samastipur, Distt. Samastipur

.... Petitioner

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

.... Respondents

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Appearance:

For the Petitioner : Mr. Ram Shankar Das, Adv.
Mr. Abhay Kumar, Adv.
For the Respondent/s : Mr. Ajay Behari Sinha-G.A.8
Mr. Neeraj Raj, A.C. to G.A.8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 18-03-2017

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

2. In this case, the petitioner is challenging the order dated 30.09.2016 passed in Appeal Case No.48 of 2016, whereby and whereunder the appellate authority has rejected the appeal filed by the petitioner.

3. A raid was conducted and it was found that the petitioner has violated the terms and conditions of the licence and



on that account the licencing authority has initiated a proceeding and canceled the licence of the petitioner. Against that order, the petitioner has moved before the appellate authority. In the meantime, the petitioner has moved before this Court in C.W.J.C. No. 9258 of 2016 and this Court has passed the order that during the pendency of the appeal before the appellate authority the petitioner was allowed to run his business and his licence was treated to be a valid licence.

4. Learned counsel for the State submits that the petitioner has violated the terms of the licence as also the provisions of Drugs and Cosmetic Act and the rules framed thereunder and, as such, the action of cancelling the licence of the petitioner is completely in accordance with law.

5. The order has been passed by the appellate authority, but it is very difficult to sustain in law as the appellate authority without application of mind has passed a perfunctory and cryptic order without making any discussion on the merit of the case as well as on law.

6. In such view of the matter, the impugned order dated 30.09.2016 passed in Appeal Case No.48 of 2016 is hereby



quashed. The matter is remanded back to the appellate authority to pass a fresh order.

7. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	22.03.2017
Transmission Date	N/A.

