

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16786 of 2016

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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.Niraj Kumar Sinha, AC to PAAG 2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-01-2017

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

In the present writ petition, petitioner is challenging the
order dated 17.9.2016 passed by the Assistant Drug Controller-
Drug Control Administration, Patna by which licence of shop of
the petitioner has been cancelled.

Petitioner is licensee under the Drugs and Cosmetics Act,
1940 and Drugs and Cosmetics Rule, 1945. Licence No. PAT
1341/2013, Form 20© as per Rule was issued on 12.3.2013 to be
valid up to 11.3.2018. A raid was conducted and it was found
that petitioner has committed illegality in sale of drugs. In
pursuance thereof after issuing notice of show cause by the State



Drug Controller-Drug Control Administration, Bihar, Patna vide memo no.387 dated 17.9.2016 after considering the show cause, cancelled the licence of the petitioner as found committed fault in running the shop.

Against the aforesaid order petitioner has filed appeal before Hon'ble Minister, as per Rule 67 (2) of the Drugs and Cosmetics Rule 1945 and till the disposal of appeal.

Only question has been raised that till disposal of the appeal petitioner should be allowed to run the shop. Appeal is continuation of the trial and matter is pending for consideration before the Hon'ble Minister.

In such view of the matter, the Hon'ble Minister is directed to decide the appeal within a period of three months from today.

In the meantime, order dated 17.9.2016 for ncancellation of licence shall remain stayed.

With the aforesaid observation this writ petition is disposed of.

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.1.2017
Transmission Date	NA

(Shivaji Pandey, J)

