

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6410 of 2016

=====

Rakesh Kumar son of Vijay Kumar resident of village - Matia, Police Station -
Lakshmipur, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. Drug Licensing Officer, Jamui.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Prasad, Adv.
Mr. Kaushal Kumar, Adv.
For the Respondent/s : Mr. Ajay Bihari Sinha- GA-8
Mr. Neeraj Raj, AC to GA-8

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-02-2017

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

In this case, the petitioner is challenging the order no. 67
dated 27.02.2016 passed by the respondent no.2.

Learned counsel for the petitioner claims that without
giving proper opportunity also without considering the fact and
circumstances of the case, the drug licence has been cancelled. The
brief fact of the case is that a raid was conducted wherein it was found
that the petitioner was not running the medical shop in terms of the
certificate of licence being licence no. JMU/38/04/JMU-38A/04, in
pursuance thereof, the licence of the petitioner has been cancelled.

Learned counsel for the petitioner claims that without



giving proper notice and hearing and without considering the objection what he has raised, the authority concerned cancelled the licence of the petitioner, whereas, learned counsel for the State has filed counter affidavit wherein he has contradicted the statement of the petitioner and submitted that he was given a fair opportunity. Learned counsel for the State also submits that there is a provision for appeal under Rule 66(2) of the Drug and Cosmetics Rules, 1945 which provides that if any person is aggrieved by the order of cancellation of the licence, he will have a liberty to move before the State Government.

In that view of the matter, if the petitioner files an appeal within a period of three weeks from today, in such circumstances, till disposal of the appeal, the petitioner will have a liberty to run his drug shop and the appellate authority is directed to dispose of the appeal of the petitioner within a period of three months from the date of filing of the appeal by the petitioner.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2017
Transmission Date	

