

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3066 of 2017

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M/s New Raj Medical Hall Proprietor Ashok Kumar, S/o Gore Lal Mandal,
Premises Situated at Dilgaury Morh, Sultanganj, P.O. + P.S.- Sultanganj, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, New Secretariat, Patna.
2. The Assistant Drug Controller-Drug Control Administration, Bhagalpur.
3. The Drug Inspector town area Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Adv.
For the Respondent/s : Mr. Nagendra Pd. Yadav-SC23
Ms. Vijaya Laxmi Srivastava

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-03-2017

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

In the present case, the petitioner is challenging an order
dated 17.12.2016 passed by the Assistant Drug Controller, Bhagalpur,
whereby and whereunder, the Drug License of the running medicinal
shop of the petitioner has been cancelled finding that the petitioner
has violated the terms and conditions of license as well as the Drug
and Cosmetic Act and rules framed thereunder.

Against the impugned order, the petitioner has already
filed appeal before the Hon'ble Minister concerned who is the
appellate authority and the same is pending before him. The claim of



the petitioner is that without giving proper opportunity of hearing and without examining the attending fact and circumstances, the Licensing Authority has cancelled the licence illegally.

As the matter is pending before the appellate authority, this Court, without going into the merit of the case, would simply direct the appellate authority to examine the case and pass a reasoned order within a period of three months from the date of receipt/production of a copy of this order.

In the meantime, the petitioner will be at liberty to run his business on the basis of license which has been conferred upon him but, in accordance with the terms and conditions of the license and the provision of Drug and Cosmetic Act.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2017
Transmission Date	

