

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1739 of 2018

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M/s Shrinivas (Gujrat) Laboratories Pvt. Ltd., Authorised Signatory, Azimullah Ansari, S/o Late Mohammad Asgar Ali, R/o Dariyapur, P.S.- Dariyapur District-Saran, Premises situated at Shrinivas Tower, Nandlal Chapra Chowk, New Bypass Road, P.S.- Agamkuan, District Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department, New Secretariat, Bailey Road, Patna.
2. The State Drug Controller-cum-Chief Licensing Authority, New Secretariat, Bihar, Patna.
3. The Assistant, Drug Controller, Drug Control Administration, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Ram Shankar Das,
Mr. Abhay Kumar, Advocates

For the Respondents : Mr. Kamlesh Kishore, AC to SC12

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2018

Heard learned senior counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 28.12.2017 as contained in Memo No. 1178 passed by the Respondent no. 3, the Assistant Drug Controller Patna, by which the drug licence of the medicinal shop of the petitioner has been cancelled; and for connected reliefs.

3. At the very outset, while disputing the validity of the impugned order cancelling the petitioner's drug licence, it is stated that the petitioner has already preferred an appeal against such order of cancellation which is pending.

4. Learned senior counsel for the petitioner seeks stay of



the impugned order of cancellation and has specifically stated that the seized goods comprising of expired and unexpired medicines have been taken away by the raiding party and are lying at Agamkuan Police Station, Patna.

5. Considering that an appeal has already been filed by the petitioner against the impugned order of cancellation, this Court is not inclined to enter into the merits of the matter. The writ petition is accordingly disposed of with an observation that the Appellate Authority would consider and dispose of the same, if still pending, on its own merits and in accordance with law expeditiously.

6. In view of the stock of the expired medicines having already been seized and kept in custody at Agamkuan Police Station, Patna, there appears little reason to prevent the petitioner from dealing with the stock of unexpired medicines in the meantime, which otherwise would also stand risk of expiry and would be contrary to public interest. The impugned order of cancellation shall accordingly remain in abeyance in respect of the unexpired medicines lying in the stock of the petitioner-firm, until disposal of the appeal as aforesaid.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
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