

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2150 of 2018

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Maha Laxmi Traders, Proprietor (Partner) Umashankar Prasad, S/o Late Kashi Saw Premises situated at Muradpur Ashok Rajpath, P.S.- Pirbahore, District Patna, R/o Flat No. 3(B) Yuvraj Complex, Kutchery Chowk, Diputy Para Ranchi, G.P.O. P.S.- Ranchi, District- Ranchi.

.... 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 Assistant Drug Controller, Drug Control Administration Patna, 4th Floor, N.M.C.H. Campus, Kankarbagh, Patna-20.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Shankar Das

Mr. Abhay Kumar, Advocates

For the Respondents : Mr. Rana B.N. Singh, AC to GA10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2018

Heard learned 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 26.12.2017 as contained in Memo No. 1171 passed by the Respondent no. 3, the Assistant Drug Controller, Drug Control Administration Patna, by which the drug licence of the petitioner to run the medicinal shop has been cancelled; and for connected reliefs.

3. It appears that in course of investigation several irregularities were found which was violative of the provisions of the Drugs and Cosmetics Act, 1945 leading to cancellation of the petitioner's drug license.

4. Learned counsel for the petitioner states that an appeal



against the impugned order of cancellation has already been filed on 27.12.2017 which is pending. It is therefore prayed that the interim order may be granted for stay of the order of cancellation as also the petitioner may be permitted to run its business.

5. The allegations against the petitioner leading to the cancellation of its drug licence are serious in nature, as the original details relating to batch number, manufacturing and expiry dates, MRP etc. have been erased and re-stamped for sale to the customers leading to the inference of selling the expired drugs by substituting the details with new batch number and other details.

6. In the above view of the matter, this Court is not inclined to grant interim relief to the petitioner. The writ petition accordingly stands dismissed only with an observation that it is expected that the appeal of the petitioner, if still pending, would be disposed of expeditiously.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
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