

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5952 of 2018

=====

1. M/s. Adhikari Medico, A/38, Sachiwalaya Colony, Kankarbagh, Patna represented by Pawan Kumar Kejriwal, Son of Late Prabhu Dayal Kejriwal, Resident of B-302, Ram Raj Apartment, Brahamasthani Road, Police Station-Shashtri Nagar, District- Patna.

2. Rashmi Kiran, D/o Sri Jay Prakash Bhindwar, Resident of Flat No. D-309, Jyoti Raj Complex, 90 Feet Road, Dusadhi Pakri, Police Station- Patrakar Nagar, District- Patna.

..... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.

2. The State Drug Controller-cum-Chief Licensing Authority, Health Department, Govt. of Bihar, New Secretariat, Patna.

3. The Assistant Drug Controller Drug Control Administration Patna District Licensing Authority, N.M.C.H, Patna.

..... Respondents

=====

Appearance :

For the Petitioners : Mr. Kundan Kumar Sinha, Advocate.

For the Respondents : Mr. Mustabul Haque, GP-12

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-04-2018

The present writ petition has been filed for the following
reliefs –

(A) To quash the letter no. 245 dated 02.03.2017 issued under the signature of Additional Secretary, Department of Health, Govt. of Bihar, whereby and whereunder the respondents have decided that application for issuance of new Drug Licence not received, therefore, they are not issuing any drug licence for the sale of drugs till online arrangement made. The petitioner for the purpose of issuance of new drugs licence has already applied but the authority still tight over the matter.



(B) To direct the respondent authorities to issue drugs licence to the other needy people/organizations for trade or business by directing the licensing authority to empower the petitioner by granting drug licence for which the petitioner will all relevant papers and documents in a prescribed form under Drugs and Cosmetics Rule 59(2) following the Central Act and Rules, submitted to the respondents.

(C) To grant immediate retail licence to the petitioner to sale retail drugs specified in Schedule-C and Rule 59(2) of the Drugs and Cosmetics Act, 1945 for which the petitioner took the all steps and deposited the requisite fee challan etc. on 28.02.2018 in the Govt. treasury for the purpose of issuance of Drug Licence in Form 20 and 21 to run the business.

(D) And grant any other relief or reliefs for which the petitioner entitled in the eyes of the law.”

2. At the very outset, learned counsel for the petitioners submits that it will suffice if the petitioners’ representation dated 05.03.2018 (Annexure-8) filed before the State Drug Controller-cum-Chief Licensing Authority, New Secretariat, Bihar, Patna (Respondent No. 2) is directed to be disposed of, in which event, the present writ petition need not be pressed on merits.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of the grievances and the stand of the petitioners, the present writ petition is disposed of with a



direction to the State Drug Controller-cum-Chief Licensing Authority, New Secretariat, Bihar, Patna (Respondent No. 2) to consider and dispose of the petitioners’ representation dated 05.03.2018 (Annexure-8), if the same is pending before him, after grant of opportunity of hearing to the petitioners in accordance with law expeditiously and preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.04.2018
Transmission Date	N.A.

