

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4520 of 2018

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M/s New Maa Bhawani Pharma, Proprietor Shayam Sunder Barnwal, S/o Late
Seo Shankar Barnwal, premises situated at 1st Floor, Uday Place, G.M. Road,
Patna, R/o White House Building No. 18 Hanuman Nagar, P.S. Patrakar Nagar
Kankarbagh Sampatchak, Lohianagar, District Patna.

.... Petitioner/s

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.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate
Mr. Akshay Kumar, Advocate

For the Respondent/s : Mr. Birju Prasad -GP13

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-03-2018

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 15.02.2018 as contained in Memo No. 101 passed by the
Respondent no. 3, the Assistant Drug Controller, Drug Control
Administration, Patna, 4th Floor, N.M.C.H., Campus, Kankarbagh, Patna
20 by which the drug licence of the petitioner's medicinal shop 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.

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, there appears little reason to prevent the petitioner from dealing with the stock of other unexpired standard quality 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, until disposal of the appeal as aforesaid.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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