

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4413 of 2018

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Achewta Nand Singh, son of late Shyam Sunder Singh, Prop. M/s Kiran Pharma, having place of business at Prop. M/s Kiran Pharma, Babutola Lane, Behind Janta Hotel, Govind Mitra Road, P.S. Pirbahor, Dist. Patna 800 004.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Patna.
2. The Assistant Drug Controller, New Gardiner Road Hospital, Patna.
3. The Drug Inspector, 9 New Gardiner Road Hospital, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv

For the Respondent/s : Mr. CHITTRANJAN SINHA- PAAG2

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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 21.12.2017 as contained in Memo No. 1160 passed by the Respondent no. 2, the Assistant Drug Controller, New Gardiner Road Hospital, Patna, by which the drug licence 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 on the ground of violation of natural justice, 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 medicines seized from a 'thela' during the alleged search operation have been taken away by the raiding party and are lying at Pirbahor



Police Station.

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 Pirbahor Police Station, 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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