

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8039 of 2018

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M/s Pharmacity Partner Rajesh Kumar Mannujee, S/o Sri Bindu Kumar Jha,
Premise situated at 82/K, Mahadev Market, Mini LIC Colony, Chitragupta
Nagar, Kankarbagh, Patna, R/o- G-4, Jagdamba Bhawan, P.C. Colony, P.O.-
Kohiya Nagar, P.S.- Patrakarnagar, District- Patna.

.... 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.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Shankar Das
Mr. Abhay Kumar, Advocates
For the Respondents : Mr. Rajeshwar Singh -GA10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-05-2018

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

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

*“(A) A writ in the nature of Certiorari or any
appropriate writ/s, order/s, direction/s, commanding
to the respondents for the following reliefs:*

*(i) To quash the order dt. 28.04.2017 as contained in
Memo no. 56 passed by the Assistant State Drug
Controller cum Chief Licensing Authority, Bihar, Patna
by which the Drug License of the medicinal shop of the
petitioner has been cancelled without considering the
material available on the record and illegally on non
est ground.*



(ii) To treat the retail license of the petitioner no. PAT 509/2015 & 509A/2015 (Form 20B) and Form 21(B) which is issued on 14.10.15 to be valid and operative and valid up to 13.10.2020.

(iii) To grant ad-interim relief to the petitioner during the pendency of appeal/writ application for which the appeal was preferred on 12.02.2018 before the Health Minister Govt. of Bihar, Patna, where such appeal pending and hearing has not been started in the meantime So that such impugned order may kindly be stayed till final hearing because the trade business of the petitioner is being hampered and medicines may be expired.

(B) Any other relief or reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case."

3. At the very outset, while disputing the validity of the impugned order cancelling the petitioner's drug licence, learned counsel for the petitioner submits that the petitioner has already preferred an appeal against such order of cancellation on 12.02.2018 which is pending.

4. Learned counsel for the petitioner further submits that the petitioner being a wholesaler duly sold the drugs to M/s Captain Pharma, Khemnichak, Patna being the retailer on the basis of the licence of the latter. It is therefore, submitted that no irregularity or offence has been committed by the petitioner. Learned counsel seeks



stay of the impugned order of cancellation during the pendency of the appeal.

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. Till disposal of the appeal, the operation of the impugned order of cancellation dated 30.01.2018 (Annexure-4) shall remain stayed.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	NAFR
Uploading Date	21 .05.2018
Transmission Date	N.A.

