

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15943 of 2018

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M/s Maa Annapurna Pharma, Represented By Manish Kumar, S/o Sri Rajendra Prasad, R/o Murli Hill Bairagi, P.S.- Kotwali, District- Gaya, Premises situated at Prakash Market Tekari Road, Gaya.

.... 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, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Adv.

Mr. Abhay Kumar, Adv.

For the Respondent/s : Mr. Vijaya Laxmi Srivastava, A.C. to SC-23

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 21-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner seeks quashing of the order dated 31.07.2018 vide Memo No. 306 as contained in Annexure-4 by which the respondent no. 3, the Assistant Drug Controller, Gaya, has suspended the licence for 35 days on the ground that his shop namely, M/s Maa Annapurna Pharma, was inspected on 26.04.2018 and a show cause was issued regarding certain discrepancies in maintaining of registers with regard to item no. 1, 2, 3, 4, 5 and 6 of the inspection and by the



show cause notice, 3 days time was given to reply. Reply was filed by the petitioner vide Annexure-3 dated 28.06.2018 which was found unsatisfactory. Hence, the impugned order dated 31.07.2018 was issued suspending the licence of the petitioner for 35 days.

Learned counsel for the petitioner submits that in view of the decision rendered in the case of **Emcure Pharmaceuticals Ltd. Vs. State of Bihar since reported in 2016 (4) PLJR 103** in similar allegation, this court had directed the petitioner to exhaust an alternative remedy of appeal provided under Rule 66 (2) of the Drug and Cosmetic Rules, 1945 and an interim order of stay of suspension was passed.

Learned counsel for the State appears and heard.

This writ application is disposed off in the light of the order passed in the case of **Emcure Pharmaceuticals Ltd.** (supra). The petitioner is directed to exhaust an alternative remedy of appeal. If the petitioner prefers an appeal by 5th of September, 2018 then it is directed that till disposal of the appeal by the State Government, there shall be an interim order of stay dated 31.07.2018 passed by the Assistant Drug Controller, Gaya, as contained in Annexure-4.

It goes without saying that if the appeal is not filed within the specified time as directed by this Court, then the interim order shall stand recalled.



Writ application is allowed subject to the stipulations above.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.08.2018
Transmission Date	NA

