

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11894 of 2018

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M/s Rastriya Advertising Agency, represented by Arvind Kumar, S/o late Ram Narayan Prasad, R/o Church Road Christian Quarter, P.S. Betiah, District- West Champaran presently at Sai Carnation Apartment, Kankarbagh Main Road, Bahadurpur Gumti, near Indian Petrol Pump, Patna P.S. Kankarbag, Dist- 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, 4th Floor, N.M.C.H., Campus, Kankarbagh, Patna-20.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Ram Shankar Das

Mr. Abhay Kumar, Advocates.

For the Respondents : Mrs. Archana Sinha, AC to GP-25.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-07-2018

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 -

“(i) To quash the order dated 29.05.2018 as contained in Memo No. 394 passed by the respondent no. 3, the Assistant Drug Controller, Drug Control Administration, Patna by which the Drug Licence of the running medicinal shop of the petitioner has been cancelled without considering the material available on the record illegally on non-est ground.

(ii) to grant ad-interim relief to the petitioner during the pendency of appeal/for which drug appeal was preferred on 04.06.2018 the appeal before the Health Minister, Govt. of



Bihar, Patna, where such appeal is pending and hearing has not been started. So that in the meantime impugned order may kindly be stayed till final hearing because the trade/business of the petitioner is being hampered and medicines are expiring each and every day, which is a national loss, the Hon’ble High Court granted stay in several cases in a situation where appeal is pending.”

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. 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.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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