

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16442 of 2018

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Dilip Kumar, Son of Late Gopal Prasad, Proprietor of M/s Chouraha Medical Hall, G.B. Road, Gol Phattar More, P.S.- Kotwali, District- Gaya, Pincode- 823001
... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Bihar, Patna.
 2. The Assistant Drug Controller cum The Licensing Authority, Gaya.
 3. Drug Inspector, Gaya Sadar, Gaya District- Gaya ... Respondents
- =====

Appearance :

For the Petitioner : Mr. Upendra Kumar Singh, Adv.
For the Respondents : Mr. Anil Kumar Verma, AC to AAG IX

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-08-2018 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

Petitioner challenges the order, dated 31.07.2018, as contained in Annexure 5, issued by the Assistant Drug Controller, Gaya, whereby his licence has been suspended on the inspection, dated 29.01.2018, whereby certain discrepancies were found and the petitioner was issued show cause notice, dated 31.03.2018, as contained in Annexure 3, as to explain the discrepancies and also produce Schedule “H1” register.

Petitioner replied, but, his reply having found unsatisfactory the order of suspension of his licence for 60 days was issued by Annexure 5, dated 31.07.2018.

learned counsel for the petitioner submits that in view of the decision rendered in the case of **Emcure Pharmaceuticals Ltd. Vs. the State of Bihar & Anr.** 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 in 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 5.

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 stipulation above.

(Nilu Agrawal, J)

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