

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17104 of 2018

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M/s New Cygnet Medical Hall, S.K-48, Malahi Pakri, P.S.- Patrakar Nagar,
District- Patna, engaged in Sale and Distribution of Drugs and being represented
through its Proprietor Smt. Uma Singh W/o Sri Gopal Sharan Singh, resident of J-
188, P.C Colony, P.S.- Kankarbag, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The State Drug Controller, Directorate of Health Services, Bihar, Patna.
3. The Assistant State Drug Controller-cum-Licensing Authority, Directorate of Health Services, Patna.
4. The Drug Inspector, Drugs Control Administration, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Avinash Kumar, Adv. Mr. Krishna Chandra, Adv.
For the Respondent/s	:	Mr. Pankaj Kumar, SC-12 Mr. Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
Date: 29-08-2018

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

Petitioner challenges the order dated 29.05.2018 issued
vide Memo No. 397 by the Assistant Drug Controller, Patna as
contained in Annexure-4 wherein the licence granted to the
medical shop of the petitioner has been cancelled after the show
cause reply having been found to be unsatisfactory.

Learned counsel for the petitioner submits that he has



already preferred an appeal before the Appellate Authority on 20.06.2018 and the appeal has not been disposed off by the Appellate Authority. He submits that in the case of **Emcure Pharmaceuticals Ltd. Vs. The State of Bihar & Anr.** since **reported in 2016 (4) PLJR 103** on similar allegations, this court had directed the petitioner to exhaust an alternative remedy of appeal as provided under Rule 66(2) of the Drug and Cosmetic Rules, 1945. He submits that already his appeal is pending.

This writ application is disposed off with a direction to the Appellate Authority to dispose of the appeal of the petitioner pending before the Appellate Authority i.e. the Minister of State, Health and Family Welfare. Since the medicines have an expiry date, till disposal of appeal by the State Government, there shall be an interim order of stay of cancellation of Licence Nos. PAT-75/06 and PAT-75A/06 dated 29.05.2018 as contained in Memo No. 397 (Annexure-4) passed by the Assistant Drug Controller, Patna.

Writ application is allowed subject to the stipulation as above.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2018
Transmission Date	NA

