

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6298 of 2018**

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M/s New National Medicals through Its Proprietor Md. Mumtazuddin, aged about 62 years, son of late Md. Alauddin Resident of Apt. 106, Sanyam Pratik Apartment, Maurya Path, Jagdeo Path, Police Station- Rajiv Nagar, 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 (Licensing Authority).

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Manoj Kumar Singh, Advocate

For the Respondents : Mr. Binod Kr. Yadav- SC18

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 14-05-2018**

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

2. This writ application has been filled for the following  
reliefs:-

*“(i) To quash the letter no. 245(15) dated 02.03.2017 issued by the Health Department, Bihar, Patna whereby and whereunder it has been decided by the Department that no one application for New License of Drugs may be obtained and not issuing new License for sale of Drugs till online arrangement.*

*(ii) To direct the respondent no. 3 issue Drug License to the petitioner for which the petitioner already applied for grant of new license for which all the formalities have already been made in the year 2017, whereby for*



*grant of license, challan ownership of the premises specified in the application for license has already been submitted under the seal and signature of the Assistant Drug Controller, Patna. Whereby the petitioner already filed application for grant of License for sale of drugs and the authority already approved the proposal for issuance of license but due to the said letter further action is not being done due to stay by the Govt.*

*(iii) 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, learned counsel for the petitioner submits that it will suffice if the petitioner is permitted to approach the Assistant Drug Controller, Drug Control Administration, Patna (Licensing Authority) (Respondent No. 3) with a fresh representation for redressal of its grievances raised in the present writ petition, in which event, the present writ petition need not be pressed on merits.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievances and the stand of the petitioner, the present writ petition is disposed of granting liberty to the petitioner to file a fresh representation before the Assistant Drug Controller, Drug Control Administration, Patna (Licensing Authority) (Respondent No. 3) for redressal its grievances. If any such representation is filed within a period of two weeks from



today, the same shall be considered and disposed of, expeditiously, and preferably within a further period of two months thereafter in accordance with law.

6. The writ petition accordingly stands disposed of.

**(Vikash Jain, J)**

B.T/Chandran

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