

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14258 of 2018

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M/s Deo Pharma (Generic Drug Shop), Proprietor Suresh Prasad, S/o Late Kesho Ram, R/o Malahi Pakri Gayantri Nagar Sampatchak (Lohia Nagar), P.S. Kankarbag, Dist.- Patna.

... .. 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 Patna, 4th Floor, N.M.C.H. Campus, Kankarbagh, Patna- 20.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Shankar Das, Advocate
For the State	:	Mr. Abhay Kumar, Advocate
For the Respondent/s	:	Mr. Mujtabaul Haque , GP-12
		Mr. Vasant Vikas, A.C to G.P-12

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 28-08-2018

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

2. Petitioner challenges the order dated 29.05.2018(Annexure-4), passed by the Assistant Drug Controller, Patna whereby the drug license of the petitioner bearing License No. PAT-28/2009 and PAT-28A/2009 has been cancelled.

3. Learned counsel for the petitioner submits that against the cancellation order he has preferred memo of appeal, which is at Annexure-5 on 15.06.2018, but the same is pending before the Appellate Authority. He submits that in view of the order dated



11.05.2016, passed in a similar matter in CWJC No. 7069 of 2016, the present writ application be allowed on the same terms.

4. Learned counsel for the Respondent-State submits that on the basis of a surprise inspection carried out on 11.04.2018 the shop of the petitioner was inspected and the petitioner was asked to show cause. His reply having not been found satisfactory, the cancellation order dated 29.05.2018 has been passed, but he does not deny that the appeal is pending disposal before the Appellate Authority.

5. In the facts and circumstances of the case, the order of cancellation passed by the Assistant Drug Controller, Patna vide Memo No. 396 dated 29.05.22018, impugned at Annexure-4, shall remain stayed pending disposal of the appeal filed by the petitioner.

6. Writ application is allowed as above.

(Nilu Agrawal, J)

Rajesh/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2018
Transmission Date	NA

