

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2643 of 2019

=====

M/S Nageshwari Pharma, Proprietor Raj Kamal, aged about 40 Years, Gender Male, son of Sri Gopal Prasad Modi, Premises situated at B-6, Uday Place, G.M. Road, Patna, P.O-Bankipur. P.S-Pirbahore, district- Patna, PIN-800004 and resident of 401, Shyam Rukamani Apartment, R.K. Avenue Road, Kajipur, P.S:-Kajipur, District-Patna, PIN-800004

... .. 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 Municipal Corporation Area, Patna, Fourth Floor, NMCH Campus, Kankarbagh, Patna-800020
4. the Drug Inspector, Sultanganj, Patna-800010.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Adv. Mr.Ravi Kumar, Adv. Mrs. Shweta Anand, Adv. Mr. Ajit Anand, Adv. Mr. Anmal Kumar, Adv.
For the Respondent/s	:	Mr.Chitranjan Singh, PAAG2. Mr. Shailendra Kumar, AC to PAAG 2.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

In the nature of the order proposed to be passed, learned counsel for the parties submits that the writ application may be disposed of at this stage itself. It appears that the impugned order as contained in Annexure “12” dated 15.01.2019 has been passed by the Assistant Drug Controller, Drug Control Administration, Patna Municipal Corporation



Area, Patna against which an appeal has been preferred by the petitioner in terms of Section 66 (2) of the Drugs and Cosmetics Rule, 1945. A specific statement to this effect has been made in Paragraph 18 of the writ application.

Learned counsel for the petitioner further submits that the medicines in question have already been released in favour of the petitioner, the only direction required to be issued at this stage is that the Appellate Tribunal-cum-Minister Health Department, Bihar, Patna may consider the appeal of the petitioner within a reasonable period and dispose it of as expeditiously as possible.

In the nature of the submissions, learned counsel for the State has no objection.

This writ application is being disposed of with a direction the Appellate Tribunal-cum-Minister Health Department Bihar, Patna to consider the appeal of the petitioner in accordance with law and to pass an appropriate order thereon within a period of 90 days from the date of receipt/production of a copy of this order.

Learned counsel for the petitioner submits that until disposal of the appeal, the petitioner may be allowed the same benefit which has been granted to a similarly situated petitioner



in CWJC No.4520 of 2018 vide order dated 29.03.2018 (Annexure “13” to the writ application) by a learned Coordinate Bench of this Court.

In the aforesaid view of the matter, this Court directs that the impugned order of cancellation shall remain in abeyance in respect of the unexpired medicines lying in the stock of the petitioner until disposal of the appeal as aforesaid. It is also made clear that in case the petitioner fails to cooperate in disposal of the appeal and does not appear on the date fixed in the matter, the Appellate Authority would not adjourn the matter unnecessarily unless some good and cogent reason is shown and every endeavors shall be made to dispose of the appeal within the aforesaid period.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

U			
---	--	--	--

