

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1633 of 2019

In
Civil Writ Jurisdiction Case No.5466 of 2019

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M/s. B. K. Drugs Laxmi Palace, F.B.S. Road, P.S.- Kotwali, District- Gaya,
and being represented through its competent person Sri Baijnath Barnwal, S/o
Late Balmukund Prasad, aged about 51 years, Gender Male, resident of Dr.
Wazir Ali Road, Soda Water Lane, Dhamitola, P.s.- Civil Lines, Distt.- Gaya
... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avinash Kumar
For the Opposite Party/s : Mr.S.D. Yadav (AAG9)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-04-2019 Learned counsel for the petitioner is permitted to

remove the defects in course of the day.

This application has been preferred for modification
of the order dated 15.03.2019 passed in CWJC No. 5466/2019
by which while granting liberty to the petitioner to file statutory
appeal before the appellate authority under the Drugs and
Cosmetics Act and read with Rules framed thereunder, this court
had granted ad-interim stay for a period of 30 days with further
liberty to the petitioner to move before the appellate authority
for further stay of the impugned order after filing of the appeal.

Learned counsel for the petitioner submits that the



appeal has been preferred. An application seeking stay of the impugned order has also been filed before the appellate authority. A copy of the application dated 11.04.2019 as contained in Annexure-2 to the present application has been brought on record to demonstrate that an Interlocutory Application for stay has been filed before the appellate authority. Learned counsel submits that the appellate authority is not passing any order on the application and in the meantime the period of 30 days has expired, as a result thereof the petitioner will be deprived of running his medicine shop.

Learned AAG-9 for the State is present.

In the given facts and circumstances, let the period of 30 days indicated in the order dated 15.03.2019 be modified to the extent that the impugned order passed by the licensing authority shall remain stayed till disposal of the application preferred by the petitioner as contained in Annexure-2 to the present application.

This modification application stands disposed of.

(Rajeev Ranjan Prasad, J)

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