

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9625 of 2019

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M/s Raj Homoeopathic Laboratory having its factory situated at Shivganj, Akshaywat Rai Nagar, District- Vaishali, through its proprietor Smt. Laxmi Pradhan Yadav, Aged about- 33 years, Gender- Female, W/o- Shri Rajesh Kumar, Resident of Village- Shivganj, P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Commissioner, Excise Department, Government of Bihar, Patna.
4. The State Drug Controller-cum- Licensing Authority, Bihar, Patna.
5. The Collector, Hajipur (Vaishali), Bihar.
6. The Superintendent of Excise, Hajipur (Vaishali).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prakritita Sharma, Advocate
For the Respondent/s : Mr.Lalit Kishore, AG
Mr. Anshuman Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 17-05-2019

The petitioner by way of this writ petition while seeking direction to the authorities under the Department of Registration, Excise and Prohibition, Govt. of Bihar for issuance /renewal of the licence in Form L-1 under the Excise Duties Rules, 1965 also



seeks a direction to the respondents to grant necessary permission/orders of allotment to enable the petitioner to procure rectified spirit which is the major raw material for manufacture of Homeopathic Medicines.

Counter affidavit is filed on behalf of respondent no.6 and Mr. Anshuman Singh, learned Assisting Counsel to AG with reference to the statements made in paragraph-6 and 7 thereof submits that on account of ignorance of the legal position that the application filed by the petitioner for renewal of the licence for the year 2018-19 was returned and while expressing regret it is stated that in case of filing of the second application it would be acted upon on completion of the formalities. The said statement only partially satisfies the petitioner because there is another prayer seeking permission to procure rectified spirit.

Having considered the submissions advanced and in view of the statements so made, let the petitioner file its renewal application and which shall be disposed of expeditiously and within a fortnight of such filing considering that it enables the petitioner in providing medical facilities to the citizens.

In so far as the permission prayed by the petitioner to procure rectified spirit is concerned, Mr. Anshuman Singh, AC to AG informs that it would be the Commissioner, i.e. the respondent



no. 3 who is empowered to grant such permission/allotment but the issue is to be given by the Superintendent, Excise, Hajipur, the respondent no. 6.

In view of the position explained above where the respondents express regret for their refusal to renew the licence of the petitioner for manufacture of Homeopathic Medicines and accept to renew the same on completion of formalities, the issue attains finality.

The second part of the prayer is consequential in nature. It is common knowledge that the basic raw material for preparation of homeopathic medicines is rectified spirit, which is used as primary ingredient except in biochemic preparations. Now until such time that the same is procured by the petitioner, a grant of licence would be an empty formality and a paper transaction.

We thus hereby direct the Commissioner, Excise, the respondent no. 3 to issue necessary order/allotment in favour of the petitioner as would be required for making the licence effective and to enable the petitioner to procure rectified spirit with consequential direction to the Superintendent, Excise, Hajipur, the respondent no. 6 for making issues thereof, which exercise be completed within a fortnight of filing of application in this regard by the petitioner consequent upon the renewal of his licence.



With the directions above, the writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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