

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12652 of 2019

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M/s Lal Medical G.B. Road, New Godown, P.S. Kotwali, District- Gaya,
Engaged in Sale and Distribution of Drugs and being represented through its
Proprietor Monika Lal, aged about 30 years, Gender – Female, W/o Sri Pratik
Kumar Lal, Resident of Punjabi Colony, P.O. Head Post Office, P.S. Kotwali,
District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, New Secretariat, Government of Bihar, Patna.
2. The State Durg Controller, , Directorate of Health Services, Bihar, Patna.
3. The Assistant Drug Controller-Cum-Licensing Authority, Drug Control Administration, Gaya.
4. The Drug Inspector, Sadar gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Avinash Kumar, Advocate
For the Respondent/s : Mr.S.D. Yadav (AAG9)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-06-2019 Interlocutory Application No. 01/2019 has been

filed seeking amendment in the relief portion of the writ
application. There is no objection to the same.

I.A. No. 01/2019 is thus allowed.

Let the reliefs prayed in the Interlocutory
Application be treated as part and parcel of the writ
application.

Petitioner, in the present case, has already
preferred statutory appeal against the order contained in



Memo No. 500 dated 30.05.2019 passed by the Assistant Drug Controller-cum-Licensing Authority, Drug Control Administration, Gaya by which the license of the petitioner has been placed under suspension for a period of 60 days.

Learned counsel for the petitioner submits that the impugned order has been passed without giving an adequate opportunity of hearing to the petitioner and even before expiry of 15 days period granted to the petitioner. It is however submitted that since the appeal preferred before the Appellate Authority, Department of Health, Government of Bihar is not likely to be heard in near future, if no interim protection is granted till hearing of the appeal, despite availability of remedy to the petitioner, he would have to undergo the entire period of suspension in want of hearing.

Mr. S.D. Yadav, learned A.A.G.-IX is present and submits that he would advise the concerned appellate authority to dispose of the appeal at the earliest and will be done within two weeks.

In the given facts and circumstances, the appellate authority is directed to consider the appeal preferred by the petitioner and dispose it of as soon as possible after giving



an appropriate opportunity of hearing to the petitioner.

Till consideration of the appeal of the petitioner
and passing of the order by the appellate authority, the
operation of the impugned order shall remain stayed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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