

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14051 of 2019

=====

M/S. Bihar Medico, Proprietor Ravi Kumar, aged about 54 years, Gender-Male, son of Late Baleshwar Lal, Premises situated at C-8, Ist Floor, Uday Place, Govind Mitra Road, Patna, resident of Pushpa Bhawan, S.P. Ghosh Lane, G.M. Road, P.S. Pirbahore, Dist.Patna, Pin Code-800004

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. 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
4. The Assistant Drug Controller, (Patna Municipal Corporation Area), Patna 4th Floor NMCH Campus, Kankarbagh, Patna-800026
5. The Commercial Taxes Deputy Commissioner, Patna, North Block, Patna
6. The Drug Inspector, Patna-800009
7. Sachidanand Prasad, the then, Drug Inspector, Patna-9

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sarvdeo Singh, Advocate Mr. Ajit Anand, Advocate Mr. Ashok Kumar, Advocate Mr. Apurva Kumar, Advocate
For the State	:	Mr. Nagendra Prasad Yadav (SC- 23)
For the Respondent No. 7		Mr. Sudhir Kumar Singh, Advocate Mr. Jagannath Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 07-01-2020

Heard the learned counsel for the petitioner and the respondents.

2. The petitioner has challenged the order dated 10.08.2018 passed by the Assistant Drug Controller, Patna whereby the application preferred on



behalf of the petitioner for release of the seized drugs which ultimately were found to be genuine and standard and for payment of compensation for those medicines having expired while in custody of the Drug Controller, has been rejected.

3. The learned counsel for the petitioner has submitted that in course of raid in the shop of the petitioner which is run under the name and style of M/S Bihar Medico, certain drugs were seized. The charges levelled against the petitioner was of not keeping the invoices of the purchase of such medicines in order and that some of the medicines required to be sampled and sent for examination about its contents and genuineness.

4. It has been submitted that the report has since been received and no anomaly has been found in such report. With respect to the invoices of the medicines which were seized, learned counsel for the petitioner has submitted that those were kept in the hard-disk which were presented before the concerned



officer.

5. However, the order impugned merely states that no new facts were brought by the petitioner for those goods to be released or for passing any order with respect to payment of compensation/price of the goods which expired because of non-disposal of the application preferred by the petitioner.

6. Perused the order impugned, which does not indicate any reason for holding that there was violation of Rule 65(6) & (7) of the Drugs & Cosmetics Rules, 1945. The order does not depict any reason whatsoever for rejecting the claim of the petitioner.

7. For the order to be completely non-speaking, the same cannot be sustained in the eyes of law and therefore is set aside.

8. The concerned officer is directed to pass a fresh order in accordance with law, adverting to the grounds raised on behalf of the petitioner and giving his own reasons for not accepting the same.



9. This order shall be passed within a period of four weeks of the filing of the application along with a copy of this order which shall be done by the petitioner within a period of two weeks from today.

10. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09/01/2020
Transmission Date	N/A

