

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7914 of 2020**

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M/s J. K. Enterprises Represented by Proprietor Jamun Ram (male), aged about 40 Years, S/o-Gaggo Ram, Premise Situated at Sahganj, Benta, Laharia Sarai, Darbhanga R/o-15, Maa Janki Rest House, Beta, Sahganj Ahila D.M.C. P.S.-Laharia Sarai, District-Darbhangha.

... .. 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 Darbhanga.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr.Ram Shankar Das, Advocate     |
| For the State        | : | Mr. Manish Dhari Singh, AC to AG |

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date : 21-01-2021**

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition--

*“(i) To quash the order dt. 25.03.2020 vide Memo No.333 passed by the Assistant Drug Controller, Darbhanga, whereby the licenses of the petitioner has been cancelled on non-est ground & without application of mind & without considering the reply of show cause. So that the impugned order is wholly without jurisdiction not sustainable in the eye of law.*

*(ii) To treat the wholesale licence No.DAR-*



*M-09,09A/2016 (Form-20B, 21B) issued on 28.01.2016 is valid and operative.*

3. At the very outset, this Court takes note of the supplementary affidavit filed by the petitioner, according to which the petitioner has filed an appeal before the appellate authority on 01.07.2020, which is pending. It has been stated that a stay petition has also been filed before the appellate authority on 13.07.2020.

5. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of with the observation that, considering that the drugs in question are expiring during the pendency of the appeal filed against cancellation of the petitioner's drug licence, the stay petition be taken up and disposed of by the appellate authority, if pending, on its own merits as expeditiously as possible in accordance with law, preferably within two weeks from the date of production/receipt of a copy of this order. To enable disposal, the petitioner shall furnish his mobile number and email ID to the concerned authority within a week from today.

6. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and that the petitioner shall be at liberty to



request the concerned authority for hearing through video conference.

7. The writ petition stands disposed of with the aforesaid direction.

**(Vikash Jain, J)**

HR/-

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| CAV DATE          | N/A        |
| Uploading Date    | 26.01.2021 |
| Transmission Date | N/A        |

