

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.54 of 2019

Smokeless Tobacco Association Son of Sri Basudeo Prasad, Resident of H-177, R.K. Vihar, Plot No.29, I.P. Extension, P.S. Madhu Vihar, Dist- New Delhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Food Safety Commissioner, Government of Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna- 800014
4. The Director General of Police, Bihar, Patna.
5. The Joint Secretary, Food Safety, Department of Health, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Pankaj Kumar, SC 12

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-10-2022 Petitioner has prayed for the following relief(s):-

- (i) A Writ of declaration to the effect that the order No. FSC/ 22/2012 – 946 (15) dated 25.10.2018 issued by the Food Safety Commissioner (as contained in Annexure 3) does not operate as a prohibition in so far, Manufacture, Sell, Storage and Transportation of Chewing Tobacco and other tobacco products as enumerated in



the Schedule I appended to Section 3 (p) of THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) ACT 2003 are concerned; or alternatively;

- (ii) For issuance of a Writ in the nature of Certiorari or any other appropriate writ for quashing of the Order No. FSC / 22 / 2012 – 946 (15) dated 25.10.2018 (Annexure 3) issued by Commissioner of Food Safety to the extent it is contrary to the THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) ACT 2003 and the law laid down and by a Division Bench of this Hon'ble Court in the Case of Omkar Agency and others Vrs. Union of India and



others reported in 2016 (3) PLJR 667; and
(iii) Restrain the Respondents by a writ of Prohibition during the pendency of the present Writ Application from taking any coercive actions on the Trade and Commerce and other allied activities in the Tobacco Products which are the subject matter of THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) ACT 2003 and stand covered by the Division Bench of this Hon'ble Court in the Case of Omkar Agency and others Vrs. Union of India and others reported in 2016 (3) PLJR 667.

After some arguments, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file a fresh petition on the same and subsequent cause of action.

As such, the writ petition stands disposed of as



withdrawn with liberty aforesaid.

Interlocutory Application(s), if any, also stands
disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Anjani/-

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