

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9025 of 2022

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M/s Chandan Drug Agency Represented by Proprietor Chandan Kumar (male), aged about 21 years, S/o Shyam Kishor Singh, Premise situated at Sonbarsa Sah, P.O.- Sonbarsa, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief 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 Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate
For the Respondent/s : Mr. Binod Kr. Yadav, SC-18

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-07-2022

Heard learned counsel for the parties.

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

“(i) To quash the order dt. 31.05.2022 vide Memo No. 107 passed by the Assistant Drug Controller, Muzaffarpur whereby the licence 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 & also against the provision of law.

(ii) To treat the wholesale licence No. BR-MZR-106221 FORM-20B and MUZ(R) BR-MZR-106222



(FORM-21B) issued on 21.01.2019 is valid and operative till 10.01.2024.

(B) Any other relief or reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case.”

We find the impugned order, whereby the petitioner’s licence issued under the Drugs and Cosmetics Act stands cancelled, to have been passed without compliance of principles of natural justice. There are different facets of principles of natural justice and one of them affording opportunity of hearing, at least issuance of notice and the other passing an order assigning certain reasons in support of the proposed action. Unfortunately, in the instant case none of them stands complied with.

Violation of principles of natural justice has resulted into not only civil but penal consequences, as such the same needs to be quashed and set aside.

Ordered accordingly.

The order dated 31.05.2022 vide Memo No. 107 passed by the Assistant Drug Controller, Muzaffarpur, (Annexure-6 Page-28) is quashed and set aside, reserving liberty to the appropriate authority to pass a fresh order in accordance with law.



Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	28.07.2022
Transmission Date	

