

GAHC010053892026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1663/2026

SRI BIJOY KRISHNA DEY
S/O- LATE RAKHAL CHANDRA DEY,
R/O- DHING BAGAN,
P.O AND P.S- DHING, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH FAMILY WELFARE DEPARTMENT,
DISPUR, GUWAHATI.PIN - 781006.

2:THE DISTRICT COMMISSIONER
NAGAON
ASSAM
PIN-782001

3:THE CIRCLE OFFICER
DHING REVENUE CIRCLE
P.O AND P.S- DHING
DIST-NAGAON
ASSAM
PIN-782123

4:THE INSPECTOR OF DRUGS
O/O THE DRUGS CONTROL ADMINISTRATION
DIST-NAGAON
ASSAM
PIN-782001

5:THE SUB DIVISIONAL MEDICAL OFFICER
O/O THE JOINT DIRECTOR OF HEALTH SERVICES

DIST-NAGAON
ASSAM
PIN-78200

Advocate for the Petitioner : MR K J SAIKIA, MS. P BORAH,MS M NIROLA,MR. K BORUAH,MR. P J SAIKIA, SR. ADV

Advocate for the Respondent : SC, HEALTH, SC. REVENUE,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 01.04.2026

Heard Mr. P.J. Saikia, learned Senior Counsel assisted by Ms. M. Nirola, learned counsel for the petitioner; Ms. B. Bora, learned counsel for the respondent nos. 1, 4 & 5; and Mr. G. Bokolial, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3.

2. The petitioner is a registered Pharmacist under the Assam Pharmacy Council and he runs a Pharmacy in the name and style of M/s Raj Medial Hall at Dhing on the strength of a drug license issued to him on 29.08.2001. In respect of an incident which led to the death of a three year old child, a magisterial enquiry was ordered and a case, Dhing Police Station Case no. 292/2025 under Section 105, BNSS was registered. In the course of the magisterial enquiry, the pharmacy of the petitioner has been kept sealed since 11.12.2025. The petitioner has submitted that the license of the petitioner has been suspended by an Order dated 04.02.2026 and the same will be brought on record by way of additional affidavit. Assailing such action on sealing of the pharmacy as beyond the power and authority of the respondent authorities, the petitioner has preferred the writ petition.

3. Issue notice, returnable on 13.05.2026.
4. As Ms. Bora, learned counsel has appeared and accepted notice on behalf of the respondent nos. 1, 4 & 5; and Mr. Bokolial, learned Junior Government Advocate, Assam has appeared and accepted notice on behalf of the respondent nos. 2 & 3, issuance of formal notice to the respondents is dispensed with. However, requisite nos. of extra copies of the writ petition along with annexures are to be furnished to Ms. Bora and Mr. Bokolial within 2 [two] working days from today.
5. Considering the issue involved, the respondents are to file the counter affidavit before the returnable date and make their stand clear by filing the counter affidavit on or before the returnable date. The learned counsel for the respondents shall traverse the issue of the source of power for sealing the pharmacy of the petitioner.
6. The prayer for interim relief is kept open for consideration on the returnable date.

JUDGE

Comparing Assistant