

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9669 of 2026

1. M/s Martin and Brown Bio-Sciences Pvt. Ltd. its registered office situated at Village Malku Majara, Opposite Annapurna Hotel, P.O Bhud, P.S.- Baddi, District- Solan (Himachal Pradesh), PIN- 173205 represented through its authorized representative Rajesh Ranjan, male, aged about 48 years, son of Arvind Kumar Singh, resident of Rudauli, P.S.- Bachhwara, P.O- Rudauli, District- Begusarai.
2. Rajesh Ranjan son of Arvind Kumar Singh, resident of Rudauli, P.S.- Bachhwara, P.O-Rudauli, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Health Department, Govt. of Bihar, Patna.
2. The Secretary, Health Department, Govt. of Bihar, New Secretariat, Patna.
3. Bihar Medical Services and Infrastructure Corporation Ltd., Second and Third Floor, Swasthya Bhawan, behind IGIMS, Shiekhpora, Patna, Bihar through its Secretary.
4. The Managing Director, Bihar Medical Services and Infrastructure Corporation Ltd., Second and Third Floor, Swasthya Bhawan, behind IGIMS, Shiekhpora, Patna, Bihar.
5. The General Manager, Bihar Medical Services and Infrastructure Corporation Ltd., Second and Third Floor, Swasthya Bhawan, behind IGIMS, Shiekhpora, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Sr. Adv. Mr. M. Jaiswal, Adv. Ms .Adya Pandey, Adv Ms. Megha Kant, Adv. Mr. Shubham Kumar Upadhyay, Adv.
For the Respondent/s	:	Mr. Advocate General Mr. Rahul Kumar, AC to AG
For BMSICL	:	Mr. Lalit Kishore, Sr. Adv. Mr. Ayush Kumar, Adv. Mr. Kanishka Shanker, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 09-07-2026

Heard the learned counsel for the parties.



2. The present writ petition has been filed seeking the following reliefs:-

(i) For the issuance of appropriate writ(s), order(s) or direction(s) for quashing the order dated 23.07.2025 issued by the Respondent authority whereby and whereunder the petitioner company has been blacklisted for the quoted product Antacid Oral Suspension- each 5 ml containing Aluminium Hydroxide Magnesium + Hydroxide + Activated Dimethicone (Antacid) 250mg + 250mg + 50mg per ml for a period of 2 years without any cogent, clear, succinct or adequate reason, while the necessity of reason emanates from the broad doctrine of fairness in decision making and additionally this security deposit for this product shall be forfeited. All unexecuted purchase orders issued earlier shall also stand cancelled.

(ii) For the issuance of appropriate writ(s), order(s) or direction(s) upon the respondent authorities to return the Bank guarantee composite Security Deposit of Rs. 19,71,799 (Rupees Nineteen Lakhs Seventy-One



Thousand Seven Hundred and Ninety-Nine Only), which composite Security Deposit covered three separate products: (i) Antacid Oral Suspension (the subject matter of the Rate Contract and the NSQ dispute); (ii) Ear Wax Solvent Drops; and (iii) Metoclopramide Injection.

(iii.) For the issuance of appropriate writ(s), order(s) or direction(s) upon the respondent authorities to return the penalty amounting to Rs. 50,89,000/- (Fifty Lakhs, eighty-nine thousand) deducted impositions: (i) Rs. 42,00,000/- deducted for rejection of 28 "so called" Not of Standard Quality batches, without disclosure of raw test data or opportunity to show cause; and (ii) Rs. 8,89,000 imposed as Late Delivery Penalty upon execution of the quantity of humongous P.O. which is wholly unjustified due to the giving disproportionate cumulative order burden twice the annual estimated quantity and ignoring request for extension of time of execution of order.

3. At the outset, the learned Senior counsel for the



petitioners seeks liberty on behalf of the petitioners to challenge the order of blacklisting dated 23.07.2025, passed by the Managing Director, Bihar Medical Services and Infrastructure Corporation Ltd. , by availing such other alternative remedies as are otherwise available under the law. Liberty, so sought is granted.

4. Accordingly, the present writ petition stands disposed of with the aforesaid liberty.

(Mohit Kumar Shah, J)

(Raj Kumar, J)

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