

22.08.19
Sl. No.11
Ct. No.1
akd
[ALLOWED]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 665 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.08.2019 in connection with Bhaktinagar Police Station Case No. 177 of 2019 dated 02.03.2019 under Sections 21(c)/22(c) of the NDPS Act. (NDPS Case No.09 of 2019)

And

In Re: **Apurba Sutradhar**

... .. Petitioner

Mr. S. Chaki .. Advocate
Mr. Debajit Kundu .. Advocate
Mr. Ashim Sarkar .. Advocate

... .. for the petitioner

Mr. Aditi Sankar Chakraborty .. Ld. Addl. Public Prosecutor
... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under 21(c)/22(c) of the NDPS Act.

It is submitted on behalf of the petitioner that he is in custody for about 178 days and further detention is not necessary in the facts of the present case. It is further submitted that he has a valid licence to deal with medicinal products which were allegedly seized from his residence.

Learned Additional Public Prosecutor opposes the prayer for bail and submits that the petitioner had breached the terms of his drug licence and had illegally stored the medicine containing psychotropic substance at his residence. He further submits that in view of Section 80 of the NDPS Act, petitioner has been accused of offences triable under the provisions of the NDPS Act.

We have considered the materials on record. Uncontroverted allegations essentially relate to breach of terms of a subsisting licence issued in favour of the petitioner to deal in medicinal products including the seized items. In view of the nature of allegations and the fact that incriminating articles have already been seized, we are of the opinion that it is a matter to be decided at the appropriate stage of the proceeding whether the alleged contraventions would disclose the ingredients of the offences punishable under the provisions of the NDPS Act or not. Under such circumstances and bearing in mind the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Apurba Sutradhar**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, 2nd Court, Jalpaiguri subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future and on further condition that he shall meet the Investigating Officer once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)

