

15.06.2022

Item No.26
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 185 of 2022

**Raju Sarkar
versus
The State of West Bengal**

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure.

Mr. Nimai Roy,
Mr. Ronit Mukherjee,
Mr. Najmut Touhid ... For the Petitioner.

Mr. Debabrata Chatterjee,
Mr. Imran Ali,
Md. Kutubuddin ... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is associated with medical business and is professional druggist and chemist. There are trade licence and other documents in custody of the petitioner which he intends to rely upon. The learned advocate additionally submits that there are judgements of different High Courts which have interfered in such proceedings wherein the drugs for which the petitioner has been implicated, particularly in case of licenced business, the same has been quashed.

Mr. Imran Ali, learned advocate appearing for the State submits that the notification and/or advisories, office orders, schedule of the NDPS Act calls for prosecution to continue. The nature of the drug which was seized and which was beyond the scope of licence for which the business was carried out to confirm the allegation of prosecution made in the instant case.

Having regard to the fact that the issues so raised before this Court involves mixed question of law and facts, I am of the opinion that it would be premature on the part of the Court to adjudicate the issues so canvassed. The petitioner would be at liberty to agitate the points canvassed in this revisional application at the stage of consideration of charge before the learned trial court.

With the aforesaid observations, the revisional application being CRR 185 of 2022 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)