

CRR 239 of 2016

In the matter of:- **Abdus Sadek Sarkar**
..... **Petitioner.**

Vs.
State of West Bengal.....opposite party

Ms. Sreyashee Biswas
.....for the State.

None appears on behalf of the petitioner.

This revisional application has been filed by the petitioner seeking an order for quashing of the proceedings being Special Case No. 02 of 2013 corresponding to GR 957 of 2013 arising out of Gangarampur Police Station Case No. 479 of 2013 dated 3.9.2013 under Sections 22/23/27(A) of the NDPS Act now pending before the learned Additional Sessions Judge(Special Court under NDPS Act), 3rd Court, Dakshin Dinajpur at Balurghat.

The brief fact of the case is that on 3.9.2013 at about 17.15 hours on the basis of a source information one vehicle bearing registration No. WB-62C-2747 was apprehended by the police and there was recovery of 50 (fifty) cartoons of phensedyl of hundred bottles each. In relation to the above Gangarampur Police Station Case No. 479 of 2013 dated 3.9.2013 was initiated against the petitioner and two others. Upon conclusion of investigation charge sheet was submitted against the petitioner and two others under Sections 22/23/27(A) of NDPS Act, 1985. Being aggrieved by and dissatisfied with such proceeding, the petitioner in the present

revisional application has prayed for quashing of the aforesaid proceeding.

Ms. Sreyashee Biswas, learned advocate appearing for the State produces attested photocopy of case diary.

Ms. Biswas, learned advocate appearing for the State submits that upon completion of investigation, charge sheet has been submitted against the petitioner and two others under Sections 22/23/27(A) of the NDPS Act, 1985 and the chemical examination report reveals that the seized items contained codien phosphate which comes under the purview of NDPS Act, 1985. In the light of her above submissions, she prays that the present revisional application is liable to be dismissed.

State files memo of evidence. Let it be kept with the record.

On going through the copy of the charge-sheet being No. 559 of 2014 submitted in connection with Gangarampur PS Case No. 479 of 2013 dated 3.9.2013, it appears that on completion of investigation on the basis of the primary evidence collected in the course of investigation, charge-sheet has been submitted by the petitioner and the two others under Sections 22/23/27(A) of the NDPS Act, 1985. There has been seizure of 50 (fifty) cartoons of contraband of 100 bottles each from the vehicle bearing No. WB-62C-2747. The chemical examiner's report reveals that the sample sent for examination contained codien phosphate and case comes- under the

purview of NDPS Act, 1985.

In the light of aforesaid materials the proceedings initiated against the petitioner does not call for interference.

Accordingly, the present revisional application stands dismissed.

However, it is made clear that above observation will not have bearing on the rights and contentions of the petitioner before the trial court.

All connected applications stands disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the trial court for information.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)