

C.R.M. (A) 2928 of 2022

23.06.2022
Sl. 7
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NDPS-37/2021, arising out of **Karandighi** Police Station Case No. **322** dated **06.07.2021** under Section **21(b)** of Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Bapi Sarkar**

....petitioner.

Mr. Soumik Ganguly
Mr. Nimai Ray
Mr. Ronit Mukherjee
Mr. Najmut Touhid

...for the petitioner.

Mr. T.D. Nandy
Mr. Antarikhya Basu

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner holds a valid licence under the Drugs and Cosmetics Act. He refers to the licence dated July 4, 2017 issued under Form-20B of the Drugs and Cosmetics Rules, 1945.

Learned Advocate appearing for the State submits that commercial quantity of narcotics was seized from the shop room belonging to the petitioner.

The licence relied upon by the petitioner, relates to a shop room from where the seizure was made.

Prima facie, it appears that the petitioner is in possession of a valid licence under the Drugs and Cosmetics Act read with the Rules of 1945 in respect of the shop room from where the seizure took place and in respect of the materials which were seized.

In such circumstances, we are of the view that the

petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer as and when called for till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 2928 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)