

13.04.2023

Serial no. 09

[Dd]

(Anticipatory bail)

(Allowed)

CRM (A) 1530 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with NDPS Case no. 44 of 2021 arising out of **NCB Crime No. 17/NCB/KOL/2021** dated **23.05.2021** under Sections **8[c]/21[c]** of NDPS Act.

-And-

In the matter of : **Gopal Singh @ Gopal Kumar**

... .. Petitioner

Mr. Milon Mukherjee, Id. Sr. adv.

Mr. Sandip Chakraborty,

Mr. Kaustav Das, Advocates

... .. For the Petitioner

Mr. Dipankar Dandapath, Advocate

... ..For the NCB

Despite service of the application on April 5, 2023, specifying that the matter would be listed on April 12, 2023 before the Court, the case diary was not made available to the learned advocate appearing for the Narcotic Control Bureau. In such circumstances, the Court required the learned advocate-on-record for the Central Government to file an affidavit explaining why such case diary was not made available to the learned advocate for the NCB despite such service.

Affidavit filed be taken on record.

So far as the merits of the matter is concerned, it appears that NCB wrote a letter dated November 2, 2021 to the Drugs Controller, Directorate of Medical Health and Family Welfare, Dehradun seeking information regarding the validity of the licence of the petitioner, along with others. By a letter dated September 12, 2022, the Inspector Drugs, Rookee,

District- Haridwar stated that the petitioner possessed a valid drug licence.

Apparently, the person arrested with the commercial quantity of narcotics claimed that he purchased the seized commercial quantity of narcotics from twelve persons, one of whom is the petitioner.

Apparently, the petitioner possesses a valid drug licence as transpiring from the correspondence issued by the NCB and the Drugs Authorities.

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.

NCB submitted complaint with the jurisdictional Court.

Consequently, we are inclined to 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear on every date 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 1530 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)