

03.10.2023
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 1539 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Bamongola Police Station Case No.94 of 2023 dated 16.06.2023 under Sections 21(c)/27/29 of the NDPS Act.

And

In Re: **Anil Kumar Sarkar**

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioner that he has a drug licence and was conducting his proceedings in accordance with the terms of the said licence. Accordingly, he prays for bail.
2. In response to such plea report is filed on behalf of the State. From the report it appears by notification dated 02.06.2023 manufacture for sale, sale and distribution for human consumption of drug combination of *bromhexine*, *dextromethorphan*, *ammonium chloride* and *menthol* were prohibited. Petitioner had purchased a consignment containing the prohibited drugs on 14.06.2023.
3. We have considered the materials on record. Invoice dated 14.06.2023 shows purchase of drugs containing the prohibited combinations. It is possible petitioner was unaware of the aforesaid notification which had been issued barely two weeks ago. Under such circumstances and as petitioner has no antecedents, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Anil Kumar Sarkar**, 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-cum-Additional District Judge, 4th Court, Malda 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.
5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)