

07.01.2025
Sl. No.7
akd
[ALLOWED]

C. R. M. (A) 4179 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 22.11.2024 in connection with Sankrail Police Station Case No.742 of 2024 dated 27.09.2024 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.20 of 2024)

And

In Re: ***Debobrota Das***

... .. Petitioner

Mr. Milon Mukherjee .. Sr. Advocate
Md. Wasim Akram

... .. for the petitioner

Mr. Saryati Datta
Mr. Shashanka Sekhar Saha

... .. for the State

1. It is submitted on behalf of the petitioner that he possesses a valid licence to deal in drugs. The seized consignment had been dispatched to him by '*M/s. Advance Health Care*' for medicinal use. Consignment was stored in the warehouse which had been leased out to the petitioner. Accordingly, he prays for anticipatory bail.

2. Report is placed on record by the State. Report shows petitioner has a valid licence to deal in drugs. However, it contended the lease agreement of the godown between the petitioner and one Mohit Agarwal does not specify the area where it is situated. This raises suspicion that the consignment had been secreted at an unauthorized place.

3. We have considered the materials on record. Admittedly, petitioner is a dealer in drugs. Seized consignment had been dispatched to him by a manufacturer of drugs. Whether the drugs were stored at secluded premises or not is a matter of investigation relating to breach of the terms of licence issued under the Drugs and Cosmetics

Act. However, no material is placed on record to show petitioner did not have legal authority to possess the drugs in question or that there is diversion of the drugs into the hands of unauthorized third parties for non-medicinal purposes. In such view of the matter, we are of the opinion petitioner has made out a prima facie case rebutting the restrictions under Section 37 of the NDPS Act and is entitled to pre-arrest bail however, subject to conditions.

4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Debobrota Das**, 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 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall meet the Investigating Officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)