

31.07.2024
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CRR 34 of 2023
(CRAN 2 of 2024)

In Re: Raju @ Raja Mondal
... Petitioner.

Kazi Safiullah
.... For the Petitioner
Mr. Debasish Roy
Mr. Saryati Dutta
Ms. Sreemoyi Roy
.... For the State

By consent of the parties the revisional application is taken up for consideration.

Report submitted by the opposite parties is taken on record.

Heard learned counsels for the parties.

The petitioner seeks quashing of Gangarampur P.S. Case no. 219/2017 dated 3rd July, 2017 and charge-sheet submitted therein on the ground that he possesses a valid licence of the items seized from his shop and no offence as alleged lies against him.

Charge-sheet has been submitted against the petitioner under Sections 22/25/27A/28 of the NDPS Act read with Sections 27/28 of the Drugs and Cosmetics Act.

This court in dealing with the revisional application earlier, called for a report from the opposite parties with regard to the authenticity and genuineness of the licence issued by the concerned licensing authorities in favour of the petitioner and also whether there was any bar in storing the seized items in connection with the present case.

Reports submitted on behalf of the opposite parties reveal that “there is no bar in purchase, exhibit, stock and sale of the medicines with quantities as mentioned in letter dated 18th April, 2024 from a valid licensed firm with proper purchase invoice”. Report also affirmed that the licence held by the petitioner is genuine.

In view of the above, this Court is inclined to hold that no offence as alleged has been made out against the petitioner and the proceeding including the charge-sheet submitted against the petitioner is liable to be quashed.

The revisional application being CRR 34 of 2023 is allowed.

Gangarampur P.S. Case no. 219/2017 dated 3rd July, 2017 and charge-sheet no. 61/2020 under Sections 22/25/27A/28 of the NDPS Act and Sections 27/28 of the Drugs and Cosmetics Act are quashed.

The petitioner be set at liberty at once and discharged from his bail bonds.

Seized articles be returned to the petitioner upon proper receipt.

Consequently, CRAN 2 of 2024 is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)