

ITEM NO.18

COURT NO.15

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 5631/2020
(Arising out of impugned final judgment and order dated 07-08-2019
in CRR No. 420/2019 passed by the High Court At Calcutta)

SANKAR SARKAR

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(IA No. 155223/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES & IA No. 89569/2024 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 22-10-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. S. Nagamuthu, Sr. Adv.
Mr. Joydeep Mazumdar, Adv.
Mr. P. Sil, Adv.
Mr. Kunal Jain, Adv.
Mr. Nishchaiy Sharma, Adv.
Ms. Shalini Kaul, AOR

For Respondent(s) Mr. Srisatya Mohanty, Adv.
Ms. Astha Sharma, AOR
Mr. Shreyas Awasthi, Adv.
Mr. Bhanu Mishra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The admitted case of the petitioner is that he is a dealer of medicines for which he has a valid licence and a valid place where he can store such medicines. The only case against the petitioner is that he has sold the medicines to another dealer who has also a valid licence through a distributor, but the place of storage from where the medicines recovered is not the place for which he has a valid licence and therefore, the petitioner had committed an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985.

Heard learned senior counsel/counsel for the parties.

Mr. S. Nagamuthu, learned senior counsel for the petitioner would argue that no crime has been committed by the petitioner inasmuch as the petitioner is a valid licence dealer and he has sold medicines to another valid licence dealer. It was not known by him whether the other dealer to whom he sold the medicines presently does not have a proper store as given in the licence. In any case, Mr.Nagamuthu, learned senior counsel would further argue that in this case the petitioner ought to have been discharged inasmuch it is not a case of grave suspicion of committing any offence against him.

All the same, we have been informed by the learned counsel for the State of West Bengal that due to an interim order qua the petitioner alone, passed by this Court on 04.01.2021, the matter has not proceeded any further in the Court concerned whereas against the other co-accused, charges have been framed.

Under these circumstances, we dispose of this petition and give liberty to the petitioner to take all appropriate steps and place the evidence which have been placed before us along with an application for discharge before the Court concerned which shall be considered in accordance with law. For this reason, the interim protection granted by this Court shall continue further for four weeks from today so as to enable the petitioner to take appropriate steps as stated above.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)