

09.07.2026
Item no. 59
Court No. 5
Sayan

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR 263 of 2025

In the matter: **Vaskar Sarkar**

... petitioner

*Mr. Sourav Ganguly
Ms. Rishita Chakraborty
... .. For the Petitioner*

- 1.** In this criminal revision, the revisionist/petitioner has sought for quashing of the order dated April 20, 2026 by the learned Additional Sessions Judge, 1st Court, NDPS at Cooch Behar in NDPS Case No. 47 of 2026 NCB Crime No. 6/NCB/SLG/2026 dated February 25, 2026 under Sections 8(c) /21(c) /25 of the NDPS Act, 1985.
- 2.** Mr. Sourav Ganguly, learned advocate has appeared for the petitioner. He has submitted elaborately as to how according to him, the petitioner has been doubly jeopardized by lodging of two consecutive criminal cases against him. He indicates that in connection with NDPS case No. 62 of 2025 and on prayer of the petitioner who is the licensed drug shop owner (his license is valid till 2031). The Court has released total 8100 bottles of Eskuf cough syrup.
- 3.** On the date of release, that is, February 24, 2025, when after taking delivery of the 8100 bottles of Eskuf cough syrup, the petitioner arranged a commercial vehicle and intended to transport the said released material to his drug shop, which is 40 kilometers away as per the rough sketch map from the police station, from where those materials were released. Allegedly, the truck was apprehended. A total 8100 bottles of cough syrup were again seized and a fresh case has been

started by NCB against the petitioner being NDPS Case No. 47 of 2026.

4. It has further been indicated that surprisingly, though a total of 8100 bottles of Eskuf cough syrup were seized by the BSF and transferred to NCB pursuant to which a fresh NDPS case was initiated but ultimately lesser number of bottles of cough syrup were produced in connection with the subsequent case.
5. Mr. Ganguly, learned advocate had submitted that the Court in NDPS case No. 62 of 2025, after being satisfied about the lawful authority of the petitioner being a licensed dealer of the drug, ultimately released 8100 bottles of Eskuf cough syrup in his favour. The petitioner had taken delivery of the said amount of articles from the police station in due observance of all legal formalities and tried to transfer the material to his shop. It is submitted that the allegation of the NCB in connection with NDPS case No. 47 of 2026, that is the latter case, is with regard to the off-route taken by the vehicle which was carrying the said released article. Mr. Ganguly has categorically submitted that only for the reason of taking off-route by the vehicle which is not an offence in the eye of law and without any further corroborating material, the contention of the Investigating Agency that the said article was being transmitted to the neighbouring country illegally by taking a longer route, is only unfounded, unsubstantiated and arbitrary. He submits that this is only a guess work of the prosecution to victimize the present petitioner who only intended to carry the article released from Court to his place of business. It has categorically been submitted that there is no iota of proof excepting the baseless anticipation of the prosecution, that the concerned vehicle was heading to somewhere else, to illegally transmit the material as stated.

6. Having perused the materials on record and considering submissions made on behalf of the petitioner, it is found proper to direct that copy of this revision application be immediately served upon the State. Affidavit of service be filed by the petitioner on the next date of hearing. In this case, there is neither any scope for grant of any interim order nor any order directing release of the contraband seized. Otherwise, it will amount to grant of final relief, in the case. Instead, it is prudent that the case be disposed of in presence of both the parties.
7. Hence, let this matter be placed before the next Circuit Bench for further consideration.

(Rai Chattopadhyay, J.)