

25. 07.10.2021

Ct.32

Tanmoy

Rejected

C.R.M. 5670 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25/08/2021** in connection with N.D.P.S. Case No. **100/2021** (corresponding to **NCB Crime No. 18/NCB/KOL/2021**) under Sections **25A/28/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Muklesur Rahman @ Eliash & Anr.**

...petitioners.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Ms. Rajnandini Das

...for the petitioners.

Mr. Y.J. Dastoor, Ld. A.S.G.,
Mr. Phiroze Edulji,
Mr. Rajashree Kundalia

...for the U.O.I.

The charge against the petitioners is under Sections 25A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act'). They say that nothing was recovered from the petitioner no.2. Given the nature of the charge, the statutory restrictions in Section 37 of the Act would not be attracted.

We see that 150 liters of acetic anhydride was recovered from the petitioners. The petitioners say that no commercial quantity has been specified for this contraband substance.

Learned Additional Solicitor General appearing for the Narcotics Control Bureau says that this substance is used to manufacture heroin. It can be sold only under licence. Officially, the price of the substance is Rs.1,500/- per liter. However, in

the parallel market, the price can go up to Rs.10,00,000/- per liter. This is disputed by learned Advocate for the petitioners.

We have seen the material in the Case Diary. Given the nature of the alleged offence and the *prima facie* complicity of the petitioners therein, although complaint may have been lodged, we are not inclined to allow this application for bail, at this stage.

Accordingly, the application for bail being C.R.M. 5670 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)