

12.08.2022

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rejected

C.R.M.(NDPS) No. 632 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 79/NCB/Kol/2021 dated 27.11.2022 under Section 8(c) read with Sections 22(c)/28/29 of the NDPS Act.

And

In Re : Anup Kumar Chakroborty & Anr. petitioners

Mr. Kusal Kumar Mukherjee

... for the petitioners

Mr. Arun Kumar Maiti

Mr. Kalidas Saha

... for the NCB

Investigating officer is present in person. He submits report. Let the report be placed on record.

It appears from the report that drug licence used by the petitioners to take delivery of drugs containing codeine phosphate had expired long ago.

Learned Counsel appearing for the petitioners submits his clients are in custody for 94 days. Co-accused Abhijit Deb as well as Molla Basir Ahmed @ Molla Basir Ahammed have been enlarged on bail.

We have considered materials on record. Petitioners were the recipients of consignments of cough syrup containing codeine phosphate. They used drug licence which had expired long ago to receive the consignments. Thereafter, consignments had been diverted for illegal consumption other than medicinal purposes. Petitioners do not stand on the same footing with co-

accused Abhijit Deb who was the wholesale dealer of drugs or Molla Basir Ahmed @ Molla Basir Ahammed, a mere medical representative.

Keeping in mind the nodal role played by the petitioners in receiving consignments of cough syrup containing codeine phosphates under an expired licence and thereafter diverting them for illegal consumption other than medicinal purposes, we are not inclined to grant bail to them at this stage.

The application for bail is, thus, rejected.

Personal appearance of the investigating officer is noted and dispensed with.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)