

27.11.2024
06
Ct. No. 28
SG
[REJECTED]

C. R. M. (A) 3747 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with N.D.P.S. Case No. 01 of 2024 arising out of Baduria Police Station Case No. 439 of 2024 dated 01.09.2024 under Sections 21(C)/29 of the NDPS Act.

And

In Re: **Upam Biswas @ Soumya Biswas @ Sona.**

... .. Petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Amman Arif Ansari.

..... for the petitioner

Mr. Sandip Chakraborty,

Ms. Trisha Rakshit.

..... for the State

1. Petitioner submits no narcotics was recovered from his possession. He prays for anticipatory bail.

2. Learned Advocates for the State submit report. He contends a large consignment of 782 ltr. of phensedyl syrup was recovered from a vehicle bearing registration mark WB-71B-1823 from co-accused Santanu Biswas and Milan Ray. Investigation reveals that the consignment had been manufactured by 'Three B, Health Care Ltd.' of Himachal Pradesh and had been dispatched to the dealer i.e. *M/s. Bluezone Healthcare* at Dehradun, Uttarakhand. However, the consignment was diverted for non-medicinal use and recovered from co-accused in North 24-Parganas in West Bengal. Complicity of petitioner has transpired in the crime. They oppose the prayer for anticipatory bail.

3. We have considered the materials on record. 782 ltrs. of Codeine Phosphate Syrup was recovered from a vehicle. One Santanu and Milan were in the vehicle. On their interrogation complicity of the petitioner in dealing in narcotics has transpired. Further investigation reveal consignment had been manufactured by *M/s. Bluezone Healthcare* of Uttarakhand and dispatched to Himachal Pradesh. Custodial interrogation of the petitioner is necessary to trace out the manner and circumstances the consignment had been diverted to the border district in West Bengal where it had been seized.

4. In view of the aforesaid circumstances and the nature of the offence which has attracts the restrictions under Section 37 of NDPS Act, we are not inclined to grant anticipatory to the petitioner.

5. Accordingly, the application for anticipatory bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)