

16.06.2025
Item no. 14.
Court No.2.
Kausik

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) 223 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Phansidewa
Police Station Case No. 440 of 2024 dated 02.11.2024 under
Sections 21(c)/25/28/29 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

And

In the matter of : Subhash Kumar

.....Petitioner.

Mr. Hillol Saha Podder
Mr. Amit Singha
Mr. Bikash Singha

.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Kallol Nag

.....for the State.

Learned advocate appearing for the petitioner
submits that hardly there are any materials to implicate
the present petitioner and without any prima facie
material the petitioner has been arrested from Ramgarh,
Jharkhand. The petitioner is in custody for about three
and half months. It has also been pointed out that the
petitioner carries on a business having valid documents
and the purchase of the ESKUF cough syrup was also on
the basis of valid documents from Divine Health Care. To

that effect, invoices are available. It has also been submitted that one of the accused persons has already been released on bail and since investigation has been completed further detention of the petitioner is unwarranted.

Learned advocate for the State has produced the case diary and submitted that although the petitioner is the proprietor of Siddhi Vinayak Medical and Surgical of Ramgarh, Jharkhand but this huge amount of consignment was sold to unlicensed persons and the vehicle was intercepted at the stage of movement towards Agartala.

Having considered that no documents were produced by the petitioner so far as it related to the huge batch numbers in relation to the cough syrup which has been seized in connection with the instant case, I am of the view that the petitioner has prima facie failed to overcome the rigours of Section 37 of the NDPS Act.

Consequently, CRM (NDPS) 223 of 2025 is dismissed.

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

(Tirthankar Ghosh, J.)