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CRR 611 of 2025
Advanced Healthcare
Vs.
The State of West Bengal

Md. Wasim Akram ... for the petitioner

Mr. Suman De
Mr. Tirupati Mukherjee ... for the State

The petitioner herein is aggrieved with the order dated 15th January, 2025 passed in T.R. case no. 20 of 2024 whereby the court below refused to return the seized materials.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that the petitioner is having a valid licence to deal with drugs and has not been found to be violating the terms of licence. The court below overlooked that there is no material not even an iota, to substantiate the apprehension that the petitioner has been indulging in illegal trafficking of the seized materials. It is submitted that the petitioner is a distributer-cum-consignee agent of M/s. Windlas Biotech Ltd., the manufacturer of the cough syrup and winrof-T cough syrup which seems to have skipped the attention of the learned court particularly when nothing has been placed on record to show that the cough syrup was contraband in nature so as to come within the scope of the NDPS Act. the petitioner has valid licence to sell, stock or exhibit or offer for sale or distribute by wholesale drugs issued by Assistant Director and Licensing Authority, Government of West Bengal and has been permitted to store the drugs irrespective of its quantity as per the order passed by the Director of Drugs Control, West Bengal with regard to formulation containing

codeine phosphate. Learned court below did not consider that it is not the prosecution case that the petitioner has misused the licence or has been indulging any practice contrary to the conditions. Therefore, the court below ought to have returned the seized contraband in faovur of the petitioner.

Learned counsel for the State submits a report dated 11.2.2026 and leaves the prayer to the discretion of the court.

Having heard learned counsel for both the parties, it appears that this court calls for a report from the Investigating agency who submitted a report on 28.1.2026 wherein they have stated that the concerned ASI proceeded to the offices of Three B Health Care Limited and Windlas Biotech Limited situated in the State of Himachal Pradesh and Uttarkhand and collected documents wherefrom it reveals that the same were manufactured by the Three B Health Care Limited at Himachal Pradesh and has sold to Advance Healthcare, i.e . the present petitioner herein supported by invoices, e-way bills and trasnsport documents. In supplementary report filed today it has been stated that 50,930 litres of cough syrup containing codeine phosphate was recovered from the godown associated with Advance Healthcare and 10 litres were recovered from accused Pawan Jaiswal who could not show any valid document to deal with the said quantum of contraband.

In view of above when there is no allegation against the present petitioner who holds valid licence to deal with the said medicines, the court below was not justified in refusing his prayer to return the said caught syrup in his favour.

In such circumstances, the instant application being CRR 611 of 2025 is hereby disposed of directing the court below to pass necessary order to return 50,930 litres of cough syrup which was recovered from the godown associated with Advance Healthcare to the petitioner on furnishing necessary bond as would be asked by the court below. This order will have no effect in respect of the 10 litres of cough syrup, which was recovered from the accused, Pawan Jaiswal, who allegedly failed to produce any document to deal with the same.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)