

06.12.2021.
21.
as
(Rejected)

C.R.M. 5216 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.11.2019 in connection with SPL. NDPS Case No.38 of 2020 arising out of Goalpokher P. S. Case No.344 of 2020 dated 10.11.2020 under Sections 21 (C)/29 of the N. D. P. S. Act.

In the matter of : Md. Bablu.

... Petitioner.

Md. Mojibur Rahman.

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat,
Ms. Puspita Saha.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

We have considered the materials on record. 700 bottles of phensedyl syrup containing codeine mixture above commercial quantity was recovered from the possession of the petitioner. No recovery had been affected from the possession of co-accused who has been enlarged on bail. Petitioner does not stand on the same footing with the co-accused and cannot claim bail on parity.

In view of the aforesaid facts and in the light of the statutory restrictions under Section 37 of the N. D. P. S. Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)

