

20.07.2022
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 802 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.07.2022 in connection with Taherpur Police Station Case No.341 of 2021 dated 06.12.2021 under Section 21(c) of the NDPS Act and Sections 25/27 of the Arms Act. (NDPS Case No.137 of 2021)

And

In Re: ***Prasanta Biswas***

... .. Petitioner

Mr. Soujanya Bandyopadhyay

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Mousumi Sarkar

... .. for the State

It is submitted on behalf of the petitioner he has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner and co-accused viz. Rajib Dey were transporting narcotic substance above commercial quantity i.e. 30 bottles of *cough syrup* containing *codeine phosphate*.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 30 bottles of *cough syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioner and co-accused. Prayer for bail of co-accused viz. Rajib Dey was turned down by this court. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

Chemical examiner's report be filed before the trial court at the earliest.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)