

24.08.2022
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 959 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2022 in connection with Lalgola Police Station Case No. 262 of 2020 dated 01.07.2020 under Section 21(c) of the NDPS Act. (NDPS Case No.149 of 2020)

And

In Re: **Anwar Sk. @ Anuwar Sk. @ Anowar Sk.**

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Tapodip Gupta

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

It is submitted on behalf of the petitioner no report from the forensic laboratory has been placed before the trial court.

Learned advocate appearing for the State submits FSL report is available in the case records.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 5 ltrs. of *codeine phosphate*, which is above commercial quantity from the possession of the petitioner. FSL report is in the case diary. FSL report shows presence of *codeine phosphate* in the seized contraband. Under such circumstances and bearing in mind 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**.

FSL report, if not already submitted, be placed before the trial court.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

