

16.09.2022
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 1045 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2022 in connection with Baishnabnagar Police Station Case No. 144 of 2022 dated 13.02.2022 under Section 27(a) of the Drugs & Cosmetics Act, 1940 and Sections 21(c)/29 of the NDPS Act. (NDPS Case No.28 of 2022)

And

In Re: ***Pintu Sk. @ Pintu Seikh @ Bablu***

... .. Petitioner

Mr. Mazahar Hossain Chowdhury
Ms. Mobashshara Alam

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 43 days. It is further submitted no narcotic substance was recovered from his possession.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner is the owner of the motorcycle which was used to transport narcotic substance above commercial quantity.

We have considered the materials on record. Narcotic substance above commercial quantity i.e. two packets containing 250 bottles of *phensedyl syrup* each were recovered from co-accused viz. Asmaul Sk. He was driving a motorcycle which was owned by the petitioner. In view of the aforesaid involvement of the petitioner in transporting narcotic substance above commercial quantity and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

