

29.09.2022.  
27  
Ct.No.28  
as  
(Rejected)

**C.R.M. (NDPS) 1149 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No. 70 of 2021 arising out of Khardah Police Station Case No. 540 of 2021 dated 26.08.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Rana Mondal

... Petitioner.

Mr. K. Bhattacharya,  
Mr. S. Ghosh,  
Ms. P. Ganguly,  
Ms. S. Bairagi.

...for the Petitioner.

Ms. S. Das.

....for the State

Petitioner is in custody for one year and one month. He submits he is suffering from serious ailments. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and seizure memorandum show recovery of narcotic substance above commercial quantity i.e. 12 bottles of phensedyl syrup containing codeine phosphate.

Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

Superintendent of Correctional Home concerned shall extend necessary medical attention to the petitioner.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**