

17.11.2022
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 1343 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.09.2022 in connection with Kaliachak Police Station Case No.36 of 2022 dated 10.01.2022 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re: ***Selim Mia***

... .. Petitioner

Mr. Milon Mukherjee .. Sr. Advocate
Mr. Pravas Bhattacharya

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that the initial report of the State Drug Laboratory shows that the markings on the samples did not match the inventory prepared under Section 52A of the NDPS Act.

Learned advocate appearing for the State opposes the prayer for bail and submits subsequent samples were sent for examination at CFSL. CFSL report notes *codeine* was detected in the said samples.

We have considered the materials on record. The duplicate samples which were kept pursuant to the inventory prepared under Section 52A of the NDPS Act were sent for CFSL examination and the report shows presence of *codeine* in the said samples.

In view of the aforesaid incriminating materials and 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.)

