

20.12.2022.
13.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1504 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N 54 of 2022 arising out of Gaighata P.S. Case No.323 of 2022 dated 13.04.2022 under Sections 21(c) of the NDPS Act.

In the matter of : Subho Halder @ Subho Howlader.
... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.
...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.
...for the State.

Petitioner is in custody for 254 days. 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 contemporaneous document i.e. seizure memorandum show recovery of narcotic substance above commercial quantity i.e. 40 bottles of phensedyl containing codeine phosphate from the possession of the petitioner.

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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

