

30.05.2022.

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f.b./s.b.

Rejected

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

C.R.M. (NDPS) 174 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23rd May, 2022 in connection with Birpara Police Station Case No. 74 of 2022 dated 18th April, 2022 under sections 20(c)/22(c)/25/27 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

and

In the matter of: Nayan Chowdhury.petitioner

Mr. Ranadeb Sengupta,
Mr. Debasish Mukherjee,
Mrs. Madhusri Dutta

...For the petitioner.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy

...For the State

One Krishna Gurung was intercepted on 18th April, 2022 at around 08.15 hours with 133 bottles of Chlorpheni Vamine Maleate and Codine Phosphate Syrup (Eskus) cough syrup of 100 ml. each and 120 bottles of Chlorpheniramine Maleate & Codine Phosphate Syrup (ONNIREX) cough syrup of 100 ml. each, (total 253 bottles).

In course of investigation, the prime accused in his statement has named the petitioner. The petitioner has been arrested on 22nd April, 2022. The learned advocate for the petitioner submits that the case of the petitioner is covered by the judgment reported in 2022 SCC OnLine SC 47 (State

by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta and Another).

After considering the materials in the Case Diary, the gravity of offence, the bar under section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 and the submissions made on behalf of the petitioner as also of the State, we are not inclined to grant bail to the petitioner. The judgment cited by the petitioner is factually different from the case in hand and as such the ratio laid down therein is not applicable to the instant case.

The application for bail is, thus, rejected.

Case Diary produced in Court is returned back.

(Subhendu Samanta, J.)

(Arindam Mukherjee, J.)