

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Through Video Conference)**

29.06.2022
cm/ct 28

C.R.M. (NDPS) No. 191 of 2022

JC no. 5

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 49 of 2022 arising out of **Kotwali P.S Case No. 522 of 2022** dated **20.05.2022** under Sections **21 (c)** of the NDPS Act, 1985.

Rejected

And

In Re : Osman Ali

..... petitioner

Mr. Prajnadeepta Roy

..... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.

Mr. Ujjwal Luksom

..... for the State

Petitioner is in custody from 20th May, 2022. It is contended that he has been falsely implicated in the instant case. Seizure list handed over to the petitioner is a computer printout which was subsequently manufactured to implicate the petitioner.

We have considered the materials on record. Statements of witnesses including independent witnesses corroborate the contemporaneous document namely, seizure list disclosing recovery of narcotic substance i.e. 50 bottles of Eskuf cough syrup containing codeine phosphate which is above commercial quantity.

In view of the aforesaid incriminating materials and in the light of the statutory restrictions under Section 37 of the N.D.P.S. Act, we are not inclined to grant bail to the petitioner.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

