

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

26.07.2022
cm/ct 28

C.R.M. (NDPS) No. 227 of 2022

sl. no. 1

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with NDPS case No. 57 of 2021 arising out of **Birpara P.S Case No. 126 of 2021** dated **14.08.2021** under Sections **20 (c)** of the N.D.P.S. Act, 1985 and Charge Sheet No. 25 of 2022 dated 09.02.2022 for alleged offence under Sections 21 (c)/22(c) of the N.D.P.S. Act.

Rejected

And

In Re : Badal Sekh.

..... petitioner

Ms. Madhushri Dutta

..... for the petitioner

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

Mr. Aniruddha Biswas

..... for the State

Petitioner is in custody for more than 11 months. He submits chemical examiner's report has not been submitted before the trial court. Accordingly, he prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document namely, seizure list disclose recovery of narcotic substance i.e. 32 white plastic bags containing two cartons of cough syrup each carton containing 160 bottles of eskuf cough syrup containing codeine phosphate commercial quantity from the petitioner.

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.

Chemical examiner's report be placed before the trial court at the earliest.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)