

18.01.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 69 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.01.2023 in connection with Dhantala Police Station Case No.303 of 2022 dated 13.05.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.30 of 2022)

And

In Re: ***Saheb Sajjal***

... .. Petitioner

Ms. Sananda Bhattacharyya

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 250 days. It is further submitted petitioner has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 29 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the possession of the petitioner. 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.)