

06.02.2023  
Sl. No.15  
akd  
[Rejected]

**C. R. M. (NDPS) 191 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2023 in connection with Bhagawanpur Police Station Case No.0139 dated 08.04.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Sandip Mishra***

... .. Petitioner

Mr. Ayan Basu  
Mr. Sourav Bera  
Mr. Sumit Routh

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor  
Mr. Subrata Roy  
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 305 days. It is further submitted there is discrepancy in the weight of the samples drawn and those analysed by the chemical examiner.

Learned Additional Public Prosecutor opposes the prayer for bail and submits that bail prayer of co-accused was rejected earlier.

We have considered the materials on record. Petitioner was present in the vehicle which was transporting narcotics above commercial quantity. Bail prayer of co-accused i.e. owner of the vehicle has been turned down in September, 2022. Alleged discrepancy in the weight of the samples drawn and those examined is minimal and may be explained in course of trial.

Under such circumstances and in view of 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.)**

