

23.03.2023
Sl. No.2
akd
[Rejected]

C. R. M. (NDPS) 306 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.02.2023 in connection with Berhampore Police Station Case No.805 of 2021 dated 02.08.2021 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.160 of 2021)

And

In Re: **Barun Biswas**

... .. Petitioner

Mrs. Arundhati Banerjee
Mr. Kaustav Banerjee
Ms. Koyel Sinha
Ms. Ria Kundu

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Debjani Dasgupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 450 days. It is further submitted chemical examiner's report has not been filed.

Learned Advocate for the State submits chemical examiner's report. From the report it appears sample contains *codeine phosphate*.

In view of the aforesaid and the incriminating materials showing recovery of a large volume of *phensedyl syrup* containing *codeine phosphate* above commercial quantity from co-accused as well as from the house of the petitioner, we are of the opinion in the light of the statutory restrictions under Section 37 of the NDPS Act, this is not a fit case to grant bail to the petitioner.

The application for bail is thus rejected.

Charge be framed at the earliest and in the event charge is framed, to proceed with the trial with utmost expedition.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

