

14.03.2023
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rejected

C.R.M. (NDPS) No. 391 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1291 of 2022 dated 17.08.2022 under Sections 21(c) /29 of the NDPS Act.

And

In Re : Nasibul Sk. @ Nasibul Shekh petitioner

Mr. Rana Mukhopadhyay
Mr. Rhiddiman Mukherjee
... for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Manoranjan Mahata
... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Statements of the witnesses and contemporaneous document i.e. seizure memorandum show recovery of 97 bottles of phensedyl syrup containing codeine phosphate above commercial quantity from the petitioner. Under such circumstances and in view of 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.)

