

20.03.2023  
Sl. No.20  
**akd**  
[Rejected]

**C. R. M. (NDPS) 422 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.03.2023 in connection with Raghunathganj Police Station Case No.433 of 2022 dated 30.05.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.137 of 2022)

And

In Re: ***Nandalal Mondal @ Avay Mondal***

... .. Petitioner

Mr. Jisan Iqbal Hossain  
Ms. Chandrima Debnath  
Mr. Karnel Mondal

... .. for the petitioner

Mr. Swapan Banerjee  
Mrs. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 301 days.

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. 10 ltrs. of *codeine mixture*, which is above commercial quantity from the petitioner. 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.

Trial court is directed to consider the issue of framing of charge at the earliest.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**

