

30.03.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 487 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.02.2023 in connection with Baishnabnagar Police Station Case No.155 of 2022 dated 18.02.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.32 of 2022)

And

In Re: ***Mostaque Ahammed @ Mustak Ahamed @ Mostek Ahamed & Anr.***

... .. Petitioners

Mr. Avinaba Patra

... .. for the petitioners

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

Perused the report. Mobile tower locations with regard to the mobile phones carried by the seizing officer and the petitioners are placed on record.

The locations relate to different mobile towers. The area of operation of each mobile tower is not exclusive. They overlap each other. Hence, the tower location report in absence of more specific latitude and longitude report in respect to the mobile phones cannot wholly rule out the prosecution allegations. They require to be considered in the backdrop of other evidence on record during trial.

In view of the aforesaid circumstances and the incriminating materials on record prima facie disclosing recovery of 220 bottles of *phensedyl syrup* containing *codeine phosphate* above commercial quantity from the joint possession of the petitioners and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

