

10.04.2023.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 523 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.255 of 2021 arising out of Berhampore P.S. Case No.1334 of 2021 dated 18.11.2021 under Sections 22(C)/29 of the NDPS Act.

In the matter of : Mahammad Ansari @ Mintu @
Mahammad Ansary Mandal @
Mohammad Ansari Mondal.

... Petitioner.

Mr. Somnath Adhikary.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Chemical examiner's report is placed on record. Materials on record *prima facie* show recovery of 75 bottles of phensedyl containing codeine phosphate from the petitioner. Chemical examiner's report shows presence of codeine phosphate in the sample.

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.

Accordingly, the prayer for bail of the petitioner is rejected.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)