

29.03.2023.
21.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 567 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.163 of 2021 arising out of Berehampore P.S. Case No.838 of 2021 dated 08.08.2021 under Sections 22(c)/29 of the NDPS Act.

In the matter of : Ashraful Sk. ... Petitioner.

Mr. Anisur Rahman.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Petitioner is in custody for one year and seven months. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Chemical examiner's report is filed. From the chemical examiner's report it appears sample is codeine phosphate.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 100 bottles of phensedyl syrup containing codeine phosphate 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)