

10.04.2023.  
13.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (NDPS) 599 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.20 of 2022 arising out of Goalpokher P.S. Case No.84 of 2022 dated 01.03.2022 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Amir Md. @ Choko @ Amir Mohammad.  
... Petitioner.

Mr. Arnab Chatterjee,  
Ms. Dhanasree Biswas,  
Ms. Poulami Bose.

...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. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 1050 bottles of phensedyl syrup containing codeine phosphate from the room of 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.

**(Partha Sarathi Sen, J.)**

**(Joymalya Bagchi, J.)**