

12.06.2023

Sl. 2

Court No.29

Suvayan

(Rejected)

C.R.M. (NDPS) 627 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in arising out of **Domkal** P. S. Case No. **522 of 2022** dated **23.08.2022** under Sections **21(c)/29** of the NDPS Act arising out of NDPS case No. **186/2022**.

And

In the matter of: **Saifuddin Sk. @ Forid Sk.**

....petitioner

Mr. Jisan Hossain

Ms. Chandrima Debnath

...for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

1. Heard the learned Counsel for both the parties.
2. The petitioner was found in possession of 245 bottles of phensedyl (cough syrup), use of which is rampaigned in West Bengal.
3. Learned Counsel for the petitioner prays for bail on the ground that though charge-sheet has been filed, Chemical examination report in respect of the seized lot has not been filed along with the charge-sheet.
4. Be that as it may, phensedyl being a prepared drugs with label of constituents on the bottle, filing of chemical examination report along with charge-sheet is not a mandatory requirement.
5. A copy of the chemical examination report filed by the learned Counsel for the State be taken record.
6. Regard being had to the facts and submissions, factum of permanent residence of the petitioner, gravity of offence, we are not inclined to exercise our discretion in favour of the petitioner under Section 439 of the Cr.P.C. at this stage.
7. Accordingly, the prayer for bail of the petitioner is rejected.

6. CRM (NDPS) 627 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)