

02.05.2023.
03.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 636 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.23 of 2022 arising out of Kandi P.S. Case No.39 of 2022 dated 14.01.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Sawdagar Sk. @ Sada.
... Petitioner.

Mr. Arnab Chatterjee,
Mr. Jissan Iqbal Hossain,
Ms. Dhanasree Biswas,
Ms. Poulami Bose,
Ms. Chandrima Debnath.
...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.
...for the State.

Heard the learned Advocates for the parties.

Chemical examiner's report is placed on record. The report discloses presence of codeine phosphate in the sample. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 10 ltrs. of codeine phosphate from the petitioner. Petitioner does not stand on the same footing with the co-accused viz., Mister Sk. @ Md. Mistar who is on bail as no narcotics was recovered from him.

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.)