

05.04.2023
sdas/ tkm/ct 28
sl no. 3

C.R.M. (NDPS) 639 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dankuni P.S. Case No. 273 of 2021 dated 26.8.2021 under section 21(c) of the NDPS Act

And

In Re : Mukhtar Khan @ Guddu Khan petitioner

Mr. S Ghosh Chowdhury

..... for the petitioner

Mr. Saryati Datta

..... for the State

Petitioner submits chemical examiner's report has not been filed.

Learned lawyer for the State disputes such submission and places chemical examiner's report.

We have considered the materials on record. Statements of witnesses and contemporaneous documents show recovery of narcotics above commercial quantity i.e. 2 ltrs. of codeine mixture from the petitioner. Chemical examiner's report shows presence of narcotic containing codeine phosphate.

Under such circumstances and in view of the statutory restrictions under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)