

05.04.2023

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rejected

C.R.M. (NDPS) No. 645 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhatpara Police Station Case No. 671 of 2021 dated 08.11.2021 under Section 21(c) of the NDPS Act.

And

In Re : Sahid Ahamed @ Bickey petitioner

Mr. Anit Dey

... for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

... for the State

Learned Counsel for the petitioner submits he is in custody for 512 days. It is also submitted chemical examiner's report has not been submitted.

Learned Counsel for the State disputes such fact and submits chemical examiner's report has been filed.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics i.e. 1.5 kgs. of codeine mixture above commercial quantity from the petitioner. Chemical examiner's report shows presence of narcotics in the sample.

In view of the aforesaid circumstances and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

