

10.04.2023.
25.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 692 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.208 of 2021 arising out of Bhagwangola P.S. Case No.434 of 2021 dated 26.09.2021 under Section 21(c)/29 of the NDPS Act.

In the matter of : Halim Sk. & Anr.

... Petitioners.

Mr. Ranadeb Sengupta,
Mr. Tapodip Gupta.

...for the Petitioners.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Heard the learned Advocates for the parties.

Learned Advocate for the petitioner does not wish to press the application on behalf of petitioner No.2.

Accordingly, the application for bail of the petitioner No.2 is dismissed as not pressed.

We have considered the materials on record. Chemical examiner's report with regard to recovery from the petitioner no. 1 is placed on record.

Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 450 bottles of phensedyl syrup from petitioner No.1. 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 petitioner No.1.

Accordingly, the prayer for bail of petitioner No.1 is rejected.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)