

11.04.2023.
31.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 716 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.251 of 2021 arising out of Raninagar PS Case No.477 of 2021 dated 13.11.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Attap Ali.

... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Learned Advocate for the petitioner submits no chemical examiner's report has been filed.

Learned Advocate for the State disputes such fact.

We have considered the materials on record. Chemical examiner's report which shows presence of codeine phosphate in the sample has been placed before the trial court.

Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 489 bottles of phensedyl syrup containing codeine phosphate from the petitioner.

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.)