

11.04.2023.
33.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 718 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.141 of 2021 arising out of Samsherganj PS Case No.191 of 2021 dated 17.07.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Harun Al Rasid & Ors.

... Petitioners.

Mr. S. Das Mahapatra,
Mr. Tapodip Gupta.

...for the Petitioners.

Mr. Ranabir Roy Choudhury,
Mr. Sandip Chakrabarty.

...for the State.

It is contended there is no chemical examiner's report but trial has commenced.

Learned Advocate for the State opposes the bail prayer. He submits chemical examiner's report has been filed.

We have considered the materials on record. Chemical examiner's report shows presence of heroin in the sample. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 300 grams of heroin 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.)