

12.04.2023.
22.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 729 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.241 of 2021 arising out of Domkal PS Case No.614 of 2021 dated 08.10.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Sajibul Ansary.

... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose,
Ms. Chandrima Debnath.

...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.

...for the State.

Learned Advocate for the petitioner submits no chemical examiner's report was placed before the trial court.

Learned Advocate for the State disputes such fact. Chemical examiner's report is placed on record.

We have considered the materials on record. Chemical report shows presence of codeine phosphate in the sample. Other materials on record *prima facie* establish recovery of 130 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.)