

03.05.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 732 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.04.2023 in connection with Lalgola Police Station Case No.705 of 2021 dated 24.09.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.207 of 2021)

And

In Re: **Kawsar Sk. @ Kawsar Ali**

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Jisan Iqbal Hossain
Ms. Dhanasree Biswas
Ms. Poulami Bose
Ms. Chandrima Debnath

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

Chemical examiner's report is placed on record. Report shows presence of *codeine phosphate* in the sample.

Statements of witnesses including contemporaneous document i.e. seizure memo prima facie establish recovery of narcotic substance i.e. 8 ltrs. of *codeine phosphate*, which is above commercial quantity from the petitioner. His signature appears on the seizure memo and he does not stand on the same footing with co-accused viz. Jahangir Sk., who was enlarged on bail, inter alia, on the ground that neither his name nor his signature appears on the seizure memo. Under such circumstances and in view of the 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.)

