

17.04.2023.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 747 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar PS Case No.1398 of 2022 dated 10.09.2022 under Sections 21(C)/27A/29/25 of the NDPS Act.

In the matter of : Salim Mia.

... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

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

...for the State.

It is contended chemical examiner's report has not been placed on record.

Learned Advocate for the State disputes such fact. He contends chemical examiner's report has been submitted before the trial Court. He produces the report.

Chemical examiner's report shows presence of codeine phosphate in the sample and materials on record *prima facie* establish recovery of 200 bottles of phensedyl syrup containing codeine phosphate above commercial quantity 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.)