

17.05.2023
Sl. No.2
akd
[Rejected]

C. R. M. (NDPS) 791 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.04.2023 in connection with Lalgola Police Station Case No.717 of 2021 dated 01.10.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.212 of 2021)

And

In Re: ***Aminul Haque & Ors.***

... .. Petitioners

Ms. Chandrima Debnath

... .. for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... .. for the State

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

We have considered the materials on record. Petitioners do not stand on the same footing with co-accused who have been enlarged on bail. Their signatures did not appear in the seizure list. Hence, they were enlarged on bail. No such infirmity is noted so far as the petitioners are concerned. Under such circumstances and in view of the incriminating materials on record implicating the petitioners in the possession of narcotics i.e. 4 ltrs. of *codeine mixture*, which is above commercial quantity and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

