

17.05.2023
Sl. No.3
akd
[Rejected]

C. R. M. (NDPS) 799 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 Beldanga Police Station Case No.558 of 2021 dated 23.10.2021 under Section 21(c) of the NDPS Act. (NDPS Case No.245 of 2021)

And

In Re: ***Tilu Sk. @ Titu Sk.***

... .. Petitioner

Mr. Anisur Rahaman

... .. for the petitioners

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor

Mr. Dipankar Paramanick

... .. 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. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 40 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from a motorcycle driven by the petitioner. 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.)