

08.05.2023.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 828 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Spl. Case No.46 of 2021 arising out of Bharatpur P.S. Case No.69 of 2021 dated 10.03.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Arif Sk.

... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Heard the learned Advocates for the parties.

Chemical examiner's report is placed on record. Report shows presence of codeine phosphate in the sample. Statements of witnesses and contemporaneous document i.e. seizure memorandum *prima facie* establish recovery of 100 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.)