

21.04.2023
Sl. No.19
akd
[Rejected]

C. R. M. (NDPS) 833 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 English Bazar Police Station Case No.766 of 2021 dated 06.07.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Animesh Barman***

... .. Petitioner

Mr. Kaushik Choudhury

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 13.3 kgs. of *codeine mixture* containing *codeine phosphate*, which is above commercial quantity from the joint possession of petitioner and co-accused. Bail prayer of the petitioner was rejected in February, 2022. There is no change in circumstance since then. 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.

Trial court is directed to consider the issue of framing of charge at the earliest.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

