

26.04.2023
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 869 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.04.2023 in connection with Nischinda Police Station Case No.213 of 2021 dated 10.11.2021 under Section 21(c) of the NDPS Act.

And

In Re: ***Haran Fakir***

... .. Petitioner

Mr. Gouranga Kumar Das
Ms. Swati Mondal

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 533 days. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits date has been fixed for recording prosecution evidence.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 2 ltrs. of *codeine phosphate*, which is above commercial quantity from the petitioner. Date has been fixed for recording prosecution evidence. 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.)

