

26.04.2023
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 870 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.04.2023 in connection with Baishnabnagar Police Station Case No.413 of 2022 dated 18.05.2022 under Section 21(c) of the NDPS Act read with Section 27(a) of the Drugs and Cosmetics Act, 1940.

And

In Re: ***Mahibur Sk.***

... .. Petitioner

Mr. Sandip Chakraborty
Mr. Kaustav Das

... .. for the petitioner

Mr. Antarikhya Basu

... .. for the State

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

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 375 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from 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.)