

27.04.2023
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 884 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.04.2023 in connection with Jalangi Police Station Case No.416 of 2020 dated 04.12.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.267 of 2020)

And

In Re: ***Surman Molla @ Chhurman Molla***

... .. Petitioner

Mr. Tapodip Gupta

... .. 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 2½ years. It is further submitted prosecution witnesses have not been examined. 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. 236 bottles of *phensedyl syrup* containing *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.)

