

01.05.2023
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 901 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.04.2023 in connection with Jalangi Police Station Case No.435 of 2020 dated 27.12.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.05 of 2021)

And

In Re: ***Mohim Mondal @ Mahim Mandal***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. 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. 22 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioner. Charge has already been framed. 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.)