

01.05.2023
Sl. No.15
akd
[Rejected]

C. R. M. (NDPS) 903 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 Sagarpara Police Station Case No.115 of 2020 dated 23.10.2020 under Sections 186/188/379/411/34 of the Indian Penal Code and Sections 21(c)/23/29 of the NDPS Act and Section 11(d) of the Prevention of Cruelty to Animal Act. (NDPS Case No.246 of 2020)

And

In Re: ***Milan Saikh @ Milan Sekh***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. 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. 55 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioner. He had obstructed and assaulted BSF personnel. 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.)