

02.05.2023
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 909 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.03.2023 in connection with Kaliachak Police Station Case No.1330 of 2021 dated 28.11.2021 under Sections 21(c)/27A/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act, 1940. (NDPS Case No.132 of 2021)

And

In Re: ***Nur Islam***

... .. Petitioner

Mr. Avinaba Patra
Mr. Dipayan Kundu

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. 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. 626 bottles of *phensedyl syrup*, which is above commercial quantity from a Maruti van. Petitioner was present in the vehicle at the time of recovery. Chemical examiner's report shows presence of *codeine phosphate* in the sample. 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.)