

10.05.2023.
16.
Ct.No.28.
As
Rejected.

C.R.M. (NDPS) 940 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.76 of 2022 arising out of Bhatpara Police Station Case No.467 of 2022 dated 22.06.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Md. Kaifi.

.... Petitioner.

Mr. Debasish Kar.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

It is contended no chemical examiner's report was not filed with the police report. Hence, police report is incomplete. He prays for bail. He relies on *Ritu Chhabaria Vs. Union of India & Ors.*¹

Learned Advocate for the State places on record the chemical examiner's report.

We have considered the materials on record. In the light of the direction of the Apex Court in *Directorate of Enforcement Vs. Manpreet Singh Talwar*², any prayer for bail on the basis of *Ritu Chhabaria* (supra) shall be deferred.

Accordingly, relying on *Manpreet Singh Talwar* (supra), we are not inclined to release the petitioner on bail at present.

¹ 2023 SCC OnLine SC 502

² 2023 SCC OnLine SC 545

On the other hand, chemical examiner's report is placed on record which shows presence of codeine phosphate. Materials on record *prima facie* establish recovery of 2.5 ltrs. of codeine phosphate above commercial quantity from the petitioner.

Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)