

05.06.2023.  
17.  
Ct.No.28.  
as  
(Rejected)

**C.R.M. (NDPS) 1045 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.106 of 2022 arising out of Raninagar P. S. Case No.164 of 2022 dated 25.04.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Lallan Sarkar @ Lalan Sarkar.

.... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee.

...for the State.

Heard the learned Advocates for the parties.

Chemical report shows presence of codeine phosphate in the sample. Statements of witnesses and contemporaneous document show recovery of 188 bottles of phensedyl syrup from the petitioner and co-accused.

Under such circumstances and in view of statutory restrictions under Section 37 of the N. D. P. S. 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.)**

