

07.07.2023

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rejected

C.R.M.(NDPS) No. 1065 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhatpara Police Station Case No. 627 of 2022 dated 17.08.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Sk. Raj Rahaman petitioner

Mr. Debasis Kar

... for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... for the State

Chemical report submitted in Court is placed on record.

Pursuant to the earlier order dated 09.06.2023 Investigating Officer is present in Court. His appearance is noted and dispensed with.

Report shows presence of codeine mixture in the sample. Materials on record establish recovery of 500 bottles of Phensedyl Syrup containing codeine phosphate above commercial quantity from the possession of the petitioner.

In view of the materials on record and 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.

Trial court is requested to consider the issue of framing of charge at the earliest and in the event charge is framed to

take the proceedings to its logical conclusion without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)