

15.06.2023
Sl. 22
Court No.29
Suvayan
(Rejected)

C.R.M. (NDPS) 1109 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in arising out of **English Bazar** P. S. Case No. **782 of 2022** dated **20.05.2022** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: **Kamal Momin**

....petitioner

Mr. Kalidas Saha

...for the petitioner.

Mr. Saryati Datta

...for the State.

1. Heard the learned Counsel for both the parties.
2. The 177 bottles of phensydyl is stated to have been recovered from the possession of the petitioner and the quantity admitted to be commercial.
3. Regard being had to such fact and the bar under Section 37 of the NDPS Act, we are not inclined to exercise our discretion in favour of the petitioner under Section 439 Cr.P.C at this stage.
4. Accordingly, the prayer for bail of the petitioner is rejected.
6. CRM (NDPS) 1109 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)