

05.07.2023.
52.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1129 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.74 of 2022 arising out of Baduria P.S. Case No.344 of 2022 dated 01.06.2022 under Sections 21(c) of the NDPS Act.

In the matter of : Mobarek Mistri.

... Petitioner.

Mr. Angshuman Chakraborty.

...for the Petitioner.

Mr. Pravas Bhattacharya,
Mr. Mirza Firoj Ahmed Begg.

...for the State.

Heard the learned Advocates for the parties.

Chemical examiner's report is placed on record. Report shows presence of codeine phosphate in the sample. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 6.7 ltrs. of phensedyl syrup containing codeine phosphate 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.)