

04.07.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 1163 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.06.2023 in connection with Jagaddal Police Station Case No.75 of 2022 dated 02.02.2022 under Section 21(c) of the NDPS Act.

And

In Re: ***Subrato Sarkar @ Raja***

... .. Petitioner

Mr. Balaram Neogi

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 4.5 ltrs. of *codeine mixture*, which is above commercial quantity from the petitioner. Irregularity with regard to sampling in the chemical examiner's report is a question of fact which may be agitated during trial. Under such circumstances and in view of the 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)