

02.08.2023
Sl. No.17
akd
[Rejected]

C. R. M. (NDPS) 1353 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.07.2023 in connection with Bhatpara Police Station Case No.696 of 2021 dated 21.11.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Harichand Biswas @ Raja & Anr.***

... .. Petitioners

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioners

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about one year and eight months. Accordingly, they renew their prayer for bail.

Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 1300 bottles of *codeine cough syrup (wrongly described as 132 bottles in CRM (NDPS) 397 of 2023)*, which is above commercial quantity from the joint possession of the petitioners. 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 petitioners.

The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

