

04.08.2023
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 1359 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.07.2023 in connection with Hariharpara Police Station Case No.344 of 2022 dated 03.08.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.177 of 2022)

And

In Re: **Hanif Sk.**

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that recoveries were made from different places. Consignments of *phensedyl syrup* were accumulated and two samples were drawn. Hence, the sampling is contrary to law. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits on source information, raids were conducted and various consignments of *phensedyl syrup* were seized from the co-accused. Thereafter, a truck carrying *phensedyl syrup* was also seized. The entire consignment was inventorised before the Magistrate, samples were drawn and tested. Samples tested positive to *codeine phosphate*.

We have considered the materials on record. Consignments drawn from the petitioner and co-accused were inventorised by the Magistrate. Thereafter, samples were drawn and sent for examination. Chemical examination shows presence of *codeine phosphate*. Quantity of narcotics recovered is above commercial quantity. Under such

circumstances, we are of the opinion this is not a fit case to grant to the petitioner.

The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)