

08.08.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 1365 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 Taherpur Police Station Case No.362 of 2022 dated 01.08.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.57 of 2022)

And

In Re: **Laltu Sarkar**

... .. Petitioner

Ms. Minoti Gomes

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Chandra Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about a year. It is further submitted he was in police custody in another case when the alleged recovery was made. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits 30 bottles of *cough syrup* containing *codeine phosphate* were recovered from the residence of the petitioner.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 30 bottles of *cough syrup* containing *codeine phosphate*, which is above commercial quantity from the residence of the petitioner. He has criminal antecedents. 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.)

