

14.08.2023
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 1388 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.08.2023 in connection with Baishnabnagar Police Station Case No.413 of 2022 dated 18.05.2022 under Section 21(c) of the NDPS Act read with Section 27A of the Drugs & Cosmetics Act.

And

In Re: ***Manjarul Sk.***

... .. Petitioner

Mr. Sourat Nandy

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and two months. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 375 bottles of *phensedyl* syrup containing *codeine phosphate*, which is above commercial quantity from the joint possession of the petitioner and co-accused. Bail prayer of co-accused viz. Yunus Ali was allowed on the ground that no recovery had been made from his possession. Petitioner does not stand on the same footing with the said co-accused. Keeping in mind the aforesaid facts and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

