

16.08.2023.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1391 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.202 of 2022 arising out of Berhampore P.S. Case No.1230 of 2022 dated 16.09.2022 under Sections 22(c)/29 of the NDPS Act.

In the matter of : Palash Sk. @ Shaikh.
... Petitioner.

Ms. Chandrima Debnath.
...for the Petitioner.

Mr. Sudip Ghosh, Sr. Govt. Adv.,
Mr. Koushik Kundu.
...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum shows recovery of narcotics above commercial quantity i.e. 2100 bottles of phensedyl containing codeine phosphate from the petitioner.
3. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
4. Accordingly, the prayer for bail of the petitioner is rejected.
5. We request the trial court to consider the issue of framing of charge at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)