

24.08.2023
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 1435 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2023 in connection with Labpur Police Station Case No.57 of 2023 dated 01.05.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re: **Sk. Kalimuddin & Ors.**

... .. Petitioners

Mr. Rahul Chachan
Mr. Sujoy Sarkar

... .. for the petitioners

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 114 days. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits investigation is in progress.
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. 5.075 kgs. of *codeine phosphate*, 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.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

