

30.08.2023.
16.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1457 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.01 of 2023 arising out of Baishnabnagar P.S. Case No.02 of 2023 dated 01.01.2023 under Sections 21(C)/25/29 of the NDPS Act.

In the matter of : Sariul Sk.

... Petitioner.

Ms. Minoti Gomes,
Mr. Manik Sarkar.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

1. Petitioner is in custody for 232 days. He has been falsely implicated. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 100 bottles of phensedyl syrup containing codeine phosphate from the petitioner.
4. 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.
5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)