

12.09.2023
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 1498 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2023 in connection with Baishnabnagar Police Station Case No.16 of 2023 dated 08.01.2023 under Sections 21(c)/25/29 of the NDPS Act. (NDPS Case No.09 of 2023)

And

In Re: ***Chander Sekhar Mandal @ Chandra Sekhar Mandal @ Chandra Shekhar Mandal @ Bapan Mandal***

... .. Petitioner

Ms. Minoti Gomes
Mr. Mounick Ghosh

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Debjani Das Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than eight months. It is further submitted no narcotics was recovered from his possession. Co-accused have been enlarged on bail/pre-arrest bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits narcotics i.e. 398 bottles of *cough syrup* containing *codeine phosphate* was recovered from the exclusive possession of the petitioner.
3. We have considered the materials on record. A large consignment of *cough syrup* which was being illegally exported was detained by BSF personnel. Narcotics i.e. 398 bottles of *cough syrup* containing *codeine phosphate* was recovered from the possession of the petitioner. Under such circumstances, he cannot claim parity with co-accused who have been enlarged on bail/pre-arrest bail. No narcotics was recovered from the possession of the said co-accused. In view of the aforesaid fact 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)