

14.09.2023

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rejected

C.R.M.(NDPS) No. 1518 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 783 of 2022 dated 22.07.2022 under Sections 21(c)/29/27A of the NDPS Act.

And
In Re : Sharuk Khan petitioner

Ms. Minoti Gomes
Mr. Kausik Biswas
....for the petitioner

Mr. Antarikhya Basu
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than a year. It is also submitted that he has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 2000 bottles of Phensedyl Syrup containing codeine phosphate above commercial quantity 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. The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)