

14.09.2023

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rejected

C.R.M.(NDPS) No. 1529 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Case No. 07/NCB/KOL/2023 dated 09.02.2023 under Section 8(c) read with Section 21(c) of the NDPS Act.

And

In Re : Hanef Kharsani @ Hanef Seikh petitioner

Mr. Sumanta Das

....for the petitioner

Mr. Arun Kumar Maiti (Mohanty)

Mr. A. Ganguly

..... for the NCB

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record. 415 bottles of Phensedyl Syrup containing codeine phosphate above commercial quantity was recovered from the petitioner. He pleads recovery has not been supported by independent witnesses. Lack of corroboration from independent witnesses is not a defect which *per se* vitiates recovery. Its impact has to be seen in the light of other evidence during trial. Prima facie materials show recovery of narcotics above commercial quantity from the petitioner. In view of the aforesaid facts and statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to the petitioner.

3. The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)