

19.09.2023
Sl. No.18
akd
[Rejected]

C. R. M. (NDPS) 1548 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Basirhat Police Station Case No.186 dated 20.03.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Abdul Gafur Sardar***

... .. Petitioner

Mrs. Anita Kaunda
Mr. Anubrata Dutta

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. Chemical examiner's report shows presence of *codeine phosphate* in the sample.
2. Materials on record prima facie establish recovery of narcotics i.e. 232 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioner. 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 petitioner.
3. The application for bail is thus rejected.
4. It is submitted on behalf of the petitioner that he is unwell.
5. Trial court shall ensure necessary medical attention including institutional treatment of the petitioner as and when necessary.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)

