

26.09.2023
Sl. No.21
akd
[Rejected]

C. R. M. (NDPS) 1591 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.09.2023 in connection with Kaliachak Police Station Case No.196 of 2022 dated 19.02.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Ismail Sk. @ Ismail***

... .. Petitioner

Mr. Mazhar Hossain Choudhury

... .. for the petitioner

Mr. Sudip Ghosh

Mr. Koushik Kundu

Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and seven months. It is further submitted there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 200 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the joint possession of the petitioner and co-accused. 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.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

