

06.10.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 1631 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.09.2023 in connection with Lalgola Police Station Case No.238 of 2021 dated 24.04.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.76 of 2021)

And

In Re: ***Abdur Rahim @ Md. Abdur Rahim***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Antarikhya Basu

... .. for the State

1. It is submitted on behalf of the petitioner that chemical examiner's report has not been filed before the trial court. Accordingly, he prays for bail.
2. Learned Advocate for the State disputes such fact and submits petitioner is a Bangladesi national. He is involved in smuggling narcotics across international border.
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. 147 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioner by BSF personnel. 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.)

