

16.10.2023.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1690 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.239 of 2022 arising out of Berhampore P.S. Case No.1657 of 2022 dated 10.12.2022 under Sections 22(c)/29 of the NDPS Act.

In the matter of : **Arun Kumar Mondal & Anr.**

... Petitioners.

Mr. Anisur Rahman.

...for the Petitioners.

Mr. Antarikhya Basu.

...for the State.

1. Petitioners are in custody for ten months. They pray for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 349 bottles of phensedyl syrup containing codeine phosphate above commercial quantity from the petitioners.
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 petitioners.
5. Accordingly, the prayer for bail of the petitioners is rejected.

6. We request the trial court to frame charge at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)