

22.12.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 2061 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.12.2023 in connection with Khardah Police Station Case No.423 of 2022 dated 29.05.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Bishu Karmakar @ Chor Bishu & Anr.***

... .. Petitioners

Mr. Sabyasachi Mukherjee
Mr. Mukesh Khanna
Mr. Mrinmoy Nandy

... .. for the petitioners

Mr. Saryati Datta

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 568 days. It is further submitted petitioners have been falsely implicated in the instant case. Accordingly, they pray 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. 25 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioners. Date has been fixed for recording evidence. 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 petitioners.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

