

27.02.2023

Sl. No.11
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 131 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2023 in connection with Siliguri Police Station Case No.154 of 2022 dated 29.01.2022 under Sections 21(c)/22(c) of the NDPS Act. (NDPS Case No.16 of 2022)

And

In Re: ***Fate Ali & Anr.***

... .. Petitioners

Mr. Nabankur Paul
Mr. Debarshi Dhar
Mr. Sagnik Bhowmick

... .. for the petitioners

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Biswarup Roy

... .. for the State

It is submitted on behalf of the petitioners that they had been arrested in connection with another case on 28.01.2022. In support, learned Advocate for the petitioners relies on newspaper report.

No document relating to the said case is placed on record.

On the other hand, statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 50 bottles of *cough syrup* containing *codeine phosphate*, which is above commercial quantity from the possession of the petitioners. 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.

The application for bail is thus **rejected**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

