

27.02.2023

Sl. No.27
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 151 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2023 in connection with Alipurduar Police Station Case No.367 of 2022 dated 21.07.2022 under Sections 21(c)/25 of the NDPS Act. (NDPS Case No.93 of 2022)

And

In Re: ***Subhankar Roy @ Body***

... .. Petitioner

Mr. Parthapratim Sarkar
Mr. Sandip Guha Roy

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Aniruddha Biswas

... .. for the State

It is submitted on behalf of the petitioner that initial seizure list did not show recovery of narcotics.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 98 bottles of *cough syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioner. Petitioner was in the vehicle. He had control and custody over the contraband. 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.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

