

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

27.02.2023.
29.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 153 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 10 of 2022 arising out of Matigara P.S. Case No.72 of 2022 dated 15.01.2022 under Sections 21(C) of the NDPS Act.

In the matter of : Maqsuda Begum @ Rinki @ Maqusuda.
... Petitioner.

Ms. Sriya Basu.

...for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Sourav Ganguly.

...for the State.

Heard the learned Advocates for the parties.

Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 280 grams of heroin from petitioner. It is contended that the weight of the sample sent for chemical examination is at variance to one which was received by the chemical examiner's.

We have considered such submission. The variation is minimal and requires to be considered during trial. However, in the light of the statements of witnesses and contemporaneous document i.e. seizure memorandum showing recovery of narcotics from the petitioner, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

