

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

27.02.2023
31.
as
(Rejected)

C.R.M. (NDPS) 155 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CR (NDPS) Case No. 110 of 2021 under Section 21 (c) and 29 of the NDPS Act arising out of Phansidewa P.S. Case No.400 of 2021 dated 27.08.2021 under Section 21(c)/22(c) of the NDPS Act.

In the matter of : Raju Gurung & Anr. ... Petitioners.

Mr. Sourav Sarkar.

...for the Petitioners.

Mr. Ujjwal Luksom,
Ms. Namrata Das.

...for the State.

It is contended on behalf of the petitioners heroin was recovered but the chemical examiner's report shows otherwise.

We have considered the materials on record. In the FIR, it is contended heroin was recovered. Chemical examiner's report shows presence of morphine. Morphine is the base material from which heroin is prepared.

In view of the aforesaid incriminating circumstances and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

