

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

27.02.2023
47.
as
(Rejected)

C.R.M. (NDPS) 178 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CR (NDPS) Case No. 114 of 2022 arising out of Kharibari Case No.334 of 2022 dated 14.10.2022 under Sections 21(c)/22(c) of the NDPS Act.

In the matter of : Suman Barman.

... Petitioner.

Mr. Hillol Saha,
Ms. Mousumi Das.

...for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Statements of witnesses and contemporaneous documents i.e. seizure memorandum show recovery 25 bottles of cough syrup containing codeine phosphate from the petitioner. Failure to disclose time of arrest in the arrest memo does not militate against other convincing materials relating to recovery of narcotics.

Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, 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.)