

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

27.02.2023
51.
as
(Rejected)

C.R.M. (NDPS) 182 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 2022 arising out of Kharibari Case No.340 of 2022 dated 22.10.2022 under Sections 21(c)/22(c) of the NDPS Act.

In the matter of : Arun Roy. ... Petitioner.

Ms. Rima Sarkar,
Ms. Sidhi Sethia.

...for the Petitioner.

Mr. Adhiti Shankar Chakraborty, Id. A.P.P.,
Mr. Biswarup Roy.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Petitioner was present in the toto from where 30 bottles of cough syrup containing codeine phosphate and brown sugar i.e. heroin was recovered. It is contended petitioner had no conscious possession of the narcotics. Petitioner and co-accused were in the toto. They had control and domain over the contraband.

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.)

