

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

27.02.2023
53.
as
(Rejected)

C.R.M. (NDPS) 185 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 122 of 2021 arising out of Bhaktinagar Case No.1572 of 2021 dated 14.12.2021 under Sections 21(C)/22(C)/23(C) of the NDPS Act.

In the matter of : Md. Yusuf Ali Khan.

... Petitioner.

Ms. Pratusha Dutta Chowdhury.

...for the Petitioner.

Mr. Adhiti Shankar Chakraborty, Id. A.P.P.,
Mr. Kallol Nag.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Recovery of narcotics i.e. 60 bottles of phensedyl containing codeine phosphate from the petitioner. He does not stand on the same footing with the co-accused from whom no recovery was made.

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.)

