

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

27.02.2023.
83/tkm

C.R.M. (NDPS) 216 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara P.S case no.1258 of 2021 dated 2.11.2021 under sections 21(c) of the NDPS Act.

In the matter of : Md. Alam @ Dilip & Anr. ... Petitioners

Mr. S K Paul

...for the Petitioners.

Mr. A S Chakraborty
Mr. Sourav Ganguly

...for the State.

Petitioners are in custody for more than 200 days. They pray for bail.

Statements of witnesses and contemporaneous documents show recovery of 30 bottles of cough syrup containing codeine phosphate from the petitioners. Impact of non-joining independent witnesses must be assessed in the light of the statement of official witnesses during trial.

Under such circumstances and in view of the statutory restrictions under section 37 of the NDPS Act we are not inclined to grant bail to the petitioner.

Accordingly, prayer for bail is rejected.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)