

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri
Appellate Side**

28.02.2023
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sdas
rejected

C.R.M. (NDPS) No. 228 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 1189 of 2022 dated 28.10.2022 under Section 21(c)/29 of the NDPS Act.

And

In Re : Hari Mandal petitioner

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar

... for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Kallol Acharjee
Mr. Sourav Ganguly

... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Statements of the witnesses and contemporaneous document i.e. seizure memorandum show recovery of 180 bottles of codeine mixture which is above commercial quantity from the joint possession of the petitioner and co-accuseds. 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.

The application for bail is, thus, rejected.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

