

09.01.2024
Sl. No.21
akd
[Rejected]

C. R. M. (NDPS) 32 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2024 in connection with Baishnabnagar Police Station Case No.753 of 2021 dated 28.12.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.92 of 2023)

And

In Re: **Safikul Sk. @ Sekh**

... .. Petitioner

Mr. Mrityunjoy Chatterjee

... .. for the petitioner

Mr. Sujan Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. Co-accused have been granted bail/anticipatory bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits narcotics was recovered from the house of the petitioner.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 175 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the house of the petitioner. 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.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

