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rejected

C.R.M.(NDPS) No. 116 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 491 of 2021 dated 22.09.2021 under Section 27A of the Drugs and Cosmetics Act added Sections 21(c)/29 of the NDPS Act.

And

In Re : Anwar Hossain petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Sujan Chatterjee
... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record.

Petitioner was carrying 350 bottles of Phensedyl Syrup containing codeine phosphate which is above commercial quantity in two sacks. However, when the police chased him he ran away. Subsequently he had been arrested. Nothing is placed on record to show that the contraband was being used for medicinal purposes.

3. In view of the aforesaid and in the light of the law declared in *Mohd. Sahabuddin & Anr. vs. State of Assam*¹ invocation of graver offences under NDPS Act is well merited.

4. Accordingly, application for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

¹ (2012) 13 SCC 491