

02.02.2024

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rejected

C.R.M.(NDPS) No. 209 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara Police Station Case No. 76 of 2023 dated 24.03.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Haran Sekh @ Sk. .... petitioner

Md. Golam Nure Imrohi

....for the petitioner

Mr. Binay Kumar Panda

Sk. Arif Hossain

... for the State

1. Learned Counsel for the petitioner submits co-accused are on bail. He is in custody for over 300 days. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. 436 bottles of Phensedyl Syrup containing codeine phosphate above commercial quantity were recovered from the petitioner. He does not stand on the same footing with the co-accused from whom no narcotics was seized. 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.

4. Application for bail is, thus, rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**