

07.02.2024.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 236 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.01 of 2023 arising out of Burdwan P.S. Case No.262 of 2023 dated 28.02.2023 under Sections 21(c)/25/29 of the NDPS Act.

In the matter of : **Maharaj Khan.**

... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja.

...for the Petitioners.

Mr. Sudip Ghosh, Id. A.P.P.,
Ms. Debjani Dasgupta.

...for the State.

1. Petitioner is in custody for eleven months. Hence, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum shows recovery of 4400 bottles of phensedyl syrup containing codeine phosphate from two trucks. Petitioner was present in one of the trucks.
4. 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.
5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)