

09.02.2024
Sl. No.15
akd
[Rejected]

C. R. M. (NDPS) 272 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2024 in connection with Hogalberia Police Station Case No.360 of 2022 dated 03.12.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.85 of 2022)

And

In Re: ***Tapan Mondal***

... .. Petitioner

Mr. Debarshi Brahma

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor

Ms. Ayantika Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 420 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
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. 100 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from 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.)