

13.02.2024
Sl. No.32
akd
[Rejected]

C. R. M. (NDPS) 303 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.02.2024 in connection with NDPS Case No. N-11/2023 dated 16.06.2023 under Sections 8(c)/21(c)/29 of the NDPS Act.

And

In Re: ***Deep Biswas @ Babai @ Dip Biswas***

... .. Petitioner

Ms. Minoti Gomes
Mr. Kausik Biswas
Mr. Debojyoti De
Mr. Somnath Ganguly

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Ms. Sreyashee Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about five months. It is further submitted petitioner is not involved in dealing in narcotics. Bail prayer of co-accused viz. Sandip Debnath was allowed by this court. Accordingly, he prays for bail on parity.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Sandip Debnath was a dealer in medicine. *Phensedyl syrup* was recovered from his possession. Taking note of the fact that the said accused was a dealer in medicine, he was enlarged on bail. Petitioner is unable to produce any licence which entitles him to deal in medicinal products containing *codeine phosphate*. On the other hand, narcotics i.e. 36 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity was recovered from his residence. The huge volume of *phensedyl syrup* recovered from the petitioner who does not have documents to justify licit possession prima facie supports the prosecution allegation that possession of the medicinal

product was for non-medicinal purposes attracting the provisions of the NDPS Act. Hence, we are not inclined to grant bail to the petitioner on parity.

4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)