

12.04.2024
Sl. No.19
akd
[Rejected]

C. R. M. (NDPS) 645 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.04.2024 in connection with Berhampore Police Station Case No.368 of 2022 dated 25.03.2022 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.81 of 2022)

And

In Re: ***Tufajjul Mondal***

... .. Petitioner

Ms. Shabana Hasin

... .. for the petitioner

Mr. Shekhar Barman

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. Accordingly, he renews his prayer 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. 5000 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from a vehicle. Petitioner was the driver of the vehicle. His bail prayer was rejected earlier on merits. Thereafter charge has been framed and date has been fixed for recording evidence. 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.)

