

19.04.2024.
13.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 683 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.107 of 2022 arising out of English Bazar P.S. Case No.1240 of 2022 dated 05.08.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Kalu Sk @ Sekh.** ... Petitioner.

Ms. Reshmi Khatun.

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,

Ms. Suparna Chatterjee.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. 594 bottles of phensedyl syrup containing codeine phosphate were recovered from the house of the petitioner. It is alleged recovery was done on the showing of his father but his signature does not appear on the seizure list. Such issue does not detract from the statements of the official witnesses and contemporaneous document i.e. seizure memo that the recovery had been made from a place which was in the control and custody of the petitioner.
3. 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. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)