

21.05.2024
Item no.142.
Court No.06.
S. De
(Rejected)

CRM (NDPS) No. 833 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 14.05.2024 in connection with Dhubulia Police station Case No. 596 of 2023 dated 21.11.2023 under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Sajal Saha.

.....Petitioner.

Mr. Kanishk Sinha,
Ms. Lipika Das,

.....for the Petitioner.

Mr. Atif Ahmed Siddiqui, for the State.

These persons have been apprehended on charges under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act. Two of them had approached this Court for bail. Their applications were rejected.

The petitioner says that he has no truck with the incident in question. In any event, Phensedyl is not a contraband item. Therefore, he should be released on bail on whatever terms and conditions this court may decide. He relies on a decision of the Delhi High Court in the case of Iqbal Singh Vs. State, rendered on July 31, 2020. He says that his mother is on the death bed and his case should be considered sympathetically.

Learned counsel for the State vehemently opposes the prayer for bail. He produces the case diary.

We have perused the relevant materials. Twenty four thousand nine hundred bottles of Phensedyl Syrup containing codeine phosphate was seized. Similarly placed accused persons were denied bail.

Under those circumstances and in view of the statutory restriction under Section 37 of the NDPS Act, we are not inclined to exercise our discretion under Section 439 of the Code of Criminal Procedure.

The application for bail is, accordingly, rejected at this stage.

CRM (NDPS) 833 of 2024 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)