

16. Court No.29
16.12.2024
(Tanmoy)
Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1456 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - **Shanker Yadav @ Umashankar Yadav**

...petitioner.

Mr. Rajeev Lochan (VC)
Ms. Riya Jhapri

...for the petitioner.

Mr. Krishnendu Bhattacharya
Mr. Atanu Basu

...for NCB.

Dictated by Arijit Banerjee, J.

1. Report filed by Narcotics Control Bureau (NCB) be kept with the records.
2. From the materials on record we find that huge quantity of phensedyl syrup containing codeine phosphate and tramadol capsules were recovered from the joint possession of the four accused persons including the petitioner.
3. Learned Counsel for the petitioner however says that there was no recovery from the petitioner. *Prima facie* that does not appear to be a correct statement. However, even assuming that there was no recovery from this petitioner that *per se*, would not entitle him to bail where commercial quantity of contraband items is involved. In this connection we may refer to the decision of the Hon'ble Supreme Court in the case of **Union of India v. Md. Nawaz Khan**, reported at (2021) 10 SCC 100.

4. Further, we are told that six out of eight charge-sheet named witnesses have already been examined by the prosecution.
5. In view of the above, we are not inclined to allow the petitioner's prayer for bail. Hence the prayer for bail is rejected.
6. The application being CRM (NDPS) 1456 of 2024 is accordingly dismissed.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)