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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(NDPS) No. 129 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pradhan Nagar Police Station Case No. 708 of 2023 dated 10.09.2023 under Sections 21(c)/22(c)/27A/29 of the NDPS Act.

And

In Re : Abhiraj Kumar Singh @ Aviraj Kr. Singh petitioner

Mr. Sudhindra Das
....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Ujjwal Luksom
Mr. Subhasish Misra
..... for the State

1. Learned Counsel for the petitioner submits there is non-compliance of Section 52A of the NDPS Act. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits 23 bottles of Phensedyl Syrup were recovered from the petitioner.

3. We have considered the materials on record. Statements of witnesses and contemporaneous documents show 23 bottles of Phensedyl Syrup containing codeine phosphate

which is above commercial quantity was recovered from the petitioner. Non-compliance of Section 52A of the NDPS Act requires to be thrashed in the course of trial. Under such circumstances, we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

5. Petitioner is at liberty to agitate the issue of non-compliance of Section 52A of the NDPS Act during trial which needless to mention shall be expedited.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)