

17.12.2021
saswata
ct 28
sl no. 188

C.R.M. 6109 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Jalangi P.S. case no. 150/2020 dated 10.04.2020 under sections 22(c)/29 of the NDPS Act.

And

In Re : Saharul Molla

..... petitioner

Mr. Niladri Sekhar Ghosh

..... for the petitioner

Mr. Sanjay Bardhan

..... for the State

It is submitted on behalf of the petitioner that he is in custody for 16 months. He submits co-accused have been granted pre arrest bail.

Learned lawyer for the State opposes the prayer for bail and submits on the leading statement of the petitioner, narcotic substance above commercial quantity was recovered from his godown.

We have considered the materials on record, Statements of witnesses as well as contemporaneous document, i.e., seizure memo show recovery of narcotic substance above commercial quantity from the godown of the petitioner. Recovery was witnessed by independent persons.

In view of the aforesaid materials on record, we are of the opinion petitioner does not stand on the same footing with the co-accuseds who have been granted bail and in view of the statutory restrictions under Section 37 of the NDPS, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)

