

21.02.2022  
Court No.32  
Item No. 51  
Avijit Mitra

**C.R.M.(NDPS) No.133 of 2022**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

**In Re : Yousuf Ali alias Yousuf Sk.**

Petitioner

Ms. Shabana Hasin

For the Petitioner

Mr. Ranadeb Sengupta

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Samsherganj Police Station Case No.267 of 2021 dated 06.09.2021 under sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

Ms. Hasin, learned advocate appearing for the petitioner submits that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of co-accused statement before the police officer, which is inadmissible evidence and as the statutory restrictions are not attracted. The petitioner who has already suffered incarceration for about 67 days, may be enlarged on bail on any stringent condition.

Mr. Sengupta, learned advocate appearing for the State opposes the petitioner's prayer and submits that 546 grams of heroine were recovered from two persons, whose statements as recorded under Section 161 of the Code would reveal that they had direct contact

with the petitioner. In view thereof, the petitioner's involvement in the racket cannot be ruled out.

Answering our query he submits that the petitioner was earlier arrested in a narcotic case being Samsheganj Police Station Case no.261 of 2021 dated 31.08.2021 under Sections 21(c)/29 of the N.D.P.S. Act

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the petitioner has criminal antecedent and was earlier involved in a narcotic case. In view thereof and considering the nature of accusations, the quantum of contraband recovered and the possible extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is refused at this stage more so when, investigation is still continuing.

The application for bail, being CRM (NDPS) No.133 of 2022, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Sugato Majumdar, J)**

**(Tapabrata Chakraborty, J)**