

42 03.02.2022
(AD) Court No.29
(Rejected)

C.R.M.(NDPS) 147 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhagwangola** P.S. Case No.**416 of 2021** dated **04/09/2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (corresponding to NDPS Case No.188 of 2021).

And

In the matter of: Firoj Kamal @ Kathu @ Potu

....petitioner.

Mr. Ali Ahsan Alamgir
Ms. Riya Das
Ms. Rabia Khatoon

...for the petitioner.

Mr. Saibal Bapuli, Ld.APP
Mr4. Bibaswan Bhattacharya

... for the State.

Petitioner seeks Bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 135 days. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused while in custody.

Learned Advocate appearing for the State submits that the principal accused was arrested along with commercial quantity of narcotics. From his statement, the petitioner was arrested. The petitioner made a leading statement on the basis of which further recovery of narcotics was made.

Considering the fact that the narcotics was recovered from the possession of the petitioner in the manner as noted above, we are of the view that the petitioner is unable to

overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M.(NDPS) 147 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)