

47 17.05.2022
(AD) Court No.29
(Rejected)

C.R.M. (NDPS) 423 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hili** P.S. Case No.**194 of 2021** dated **30.08.2021** under Sections **21(C)/22(C)/23(C)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (corresponding to Special Case No.80 of 2021).

And

In the matter of: Sadhu @ Shyama Pada Barman

....petitioner.

Mr. Kaushik Chaudhury
Ms. Busra Khatun

...for the petitioner.

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

... for the State.

Petitioner prays for bail.

Report as called for by the order dated April 28, 2022
filed in Court be taken on record.

It appears from the report that the statement of the
mother of the friend of the petitioner was recorded.

In her statement, the mother of the friend of the
petitioner claims that the petitioner is involved in the narcotics
trade.

In such circumstances, we are unable to return a finding
that the petitioner is sought to be proceeded against only on the
basis of the statement of the co-accused made while in custody.
Consequently, we are of the view that the petitioner is unable to
overcome the restrictions under Section 37 of the NDPS Act,
1985. Therefore, we are unable to grant bail to the petitioner.

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

C.R.M. (NDPS) 423 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)