

09.06.2022
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 551 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.06.2022 in connection with Balurghat Police Station Case No. 36 of 2018 dated 23.01.2018 under Sections 22(c)/23(c)/27(a) of the NDPS Act.

And

In Re: ***Emol Pahan @ Amol Hansda @ Imal Pahan & Anr.***

... .. Petitioners

Mr. Kaushik Chaudhury
Ms. Busra Khatoon

... .. for the petitioners

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioners no narcotic substance was recovered from their possession.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioners were transporting narcotic substance i.e. 50 bottles of *phensedyl syrup* above commercial quantity. Members of the raiding party identified the petitioners with the help of torch light while they were fleeing from the spot.

We have considered the materials on record. Statements of the members of the raiding party show petitioners were present at the spot and had fled away when the raiding party intercepted them. A large consignment of narcotic substance above commercial quantity was recovered by the raiding party. In view of the aforesaid materials prima facie disclosing involvement of the petitioners in trafficking narcotic substance above commercial quantity and bearing in mind the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioners.

The application for bail is thus **rejected**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

