

14.06.2022.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 593 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 44 of 2021 arising out of NCB Crime No.17/NCB/KOL/2021 dated 23.05.2021 under Sections 21(C)/28/29 of the N. D. P. S. Act and Section 8(C) of the N. D. P. S. Act.

In the matter of : Apurva Mandal & Anr.

... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kr Bhowmick.

...for the Petitioners.

Learned Advocate for the petitioners submits BSF personnel illegally detained the petitioner on 22.5.2022. He was produced before the jurisdictional Magistrate after expiry of 24 hours i.e. on 24.5.2022. He has been falsely implicated in the instant case.

We have considered the materials on record. A large consignment of narcotic substance was recovered from the possession of the petitioners. Petitioners were interrogated by the seizing officers and finally arrested on 23.5.2022. Hence, it cannot be said that he was not produced before the jurisdictional magistrate within 24 hours of his arrest.

In view of the materials on record prima facie disclosing recovery of narcotic substance above commercial quantity from the possession of the petitioners and the statutory restrictions under Section 37 of the N. D. P. S. Act, we are of the opinion that this is not a fit case to grant bail to the petitioners.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)