

17.06.2022

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rejected

C.R.M. (NDPS) 651 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 721 of 2021 dated 28.11.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Israil Sk. petitioner

Mr. Raju Mondal

... for the petitioner

Mr. T. D. Nandy

Mr. Antarikhya Basu

... for the State

It is submitted by the learned Counsel appearing for the petitioner that no narcotic substance was recovered from the possession of the petitioner.

Learned Counsel appearing for the State submits that the petitioner and co-accused were conjointly transporting narcotic substance above commercial quantity.

We have considered the materials on record. Statements of witnesses and contemporaneous documents namely seizure list show petitioner and co-accuseds were conjointly transporting narcotic substance above commercial quantity. Petitioner had knowledge that co-accuseds were carrying narcotic substance above commercial quantity i.e. 400 bottles of Phensedyl Syrup.

In view of the aforesaid incriminating materials and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)