

20.06.2022
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 666 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.06.2022 in connection with English Bazar Police Station Case No. 1154 of 2021 dated 08.09.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Md. Khadimul Islam @ Khadim***

... .. Petitioner

Mr. Mrityunjoy Chatterjee

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 74 days. It is further submitted recovery of 300 gms. of *Heroin* from the bed room of the petitioner on his purported leading statement is false. There is no reflection of the said recovery in the charge-sheet filed in conclusion of investigation.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Initial seizure from co-accused viz. Amanatullah Khan was to the tune of 305 gms. of *Heroin*. On the leading statement of the petitioner, another consignment of 300 gms. of *Heroin* was recovered from his bedroom. In view of the aforesaid materials on record, we are of the opinion petitioner and co-accused persons were dealing in narcotic substance above commercial quantity and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

