

03.08.2022
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 878 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.07.2022 in connection with NDPS Case No. SPL 12 of 2022 arising out of NCB Crime No.04/2022 dated 05.02.2022 under Sections 8(c)/21(c)/22(c)/29 of the NDPS Act.

And

In Re: ***Omnarayan Gupta***

... .. Petitioner

Mr. Saibal Mondal
Mr. Sandip Dinda

... .. for the petitioner

Mr. Rajendra Banerjee

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about 178 days. It is further submitted petitioner was apprehended by NCB officers on 05.02.2022 but produced before the jurisdictional court on 07.02.2022 i.e. beyond 24 hours of his apprehension. Allegation of recovery of narcotic substance is out and out false.

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

We have considered the materials on record. NCB officers recovered narcotic and psychotropic substance above commercial quantity from the petitioner on 05.02.2022. Thereafter, he was interrogated and finally arrested on 06.02.2022. In view of the aforesaid facts, production of the petitioner before the jurisdictional court on 07.02.2022 cannot be said to be contrary to law. Materials on record show recovery of narcotic and psychotropic substance above commercial quantity. In view of the aforesaid circumstances and 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.)