

08.08.2022
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 900 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.08.2022 in connection with Nabagram Police Station Case No. 32 of 2022 dated 01.02.2022 under Sections 21(c)/22/25/27A/28/29 of the NDPS Act. (NDPS Case No.41 of 2022)

And

In Re: ***Rejaul Ali @ Rejaul Karim @ Khokan***

... .. Petitioner

Mr. Sandipan Ganguli .. Sr. Advocate

Mr. Jisan Iqbal Hossain

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor

Mr. Dipankar Pramanick

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 280 days. It is further submitted recovery from the petitioner was from an open place accessible to all. Alleged recovery is to the tune of 250 gms. of *Heroin*, which is not above commercial quantity.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. It is alleged petitioner was in conspiracy with co-accuseds. Recovery from co-accuseds is to the tune of 1 kg. of *Heroin*. In view of the nature of accusation involving conspiracy amongst the petitioner and co-accuseds, total quantity of narcotic substance recovered from them is to be taken into consideration. That apart, recovery from the petitioner is witnessed by an independent person whose statement was also recorded during investigation. In view of the aforesaid circumstances and bearing in mind 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.)