

24.08.2022
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 963 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2022 in connection with Lalgola Police Station Case No. 726 of 2021 dated 07.10.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.216 of 2021)

And

In Re: ***Jamal Sk. @ Md. Jamal Saikh***

... .. Petitioner

Mr. Ali Ahsan Alamgir
Ms. Riya Das
Ms. Rabia Khatoon

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that recovery was made from co-accused viz. Kabirul Islam. It is further submitted petitioner is in no way involved in the incident.

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

We have considered the materials on record. Petitioner was arrested along with co-accused viz. Kabirul Islam. Statements of witnesses and other attending circumstances clearly show common concert between the petitioner and co-accused in possessing narcotic substance above commercial quantity. Under such circumstances and in view 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**.

Trial court is directed to consider the issue of framing of charge at the earliest.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

