

07.09.2022
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 1020 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.09.2022 in connection with Chakulia Police Station Case No. 120 of 2021 dated 12.05.2021 under Section 21(c) of the NDPS Act. (NDPS Case No.23 of 2021)

And

In Re: ***Subhash Prasad Saha @ Subhas Prasad Sha***
... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Shiladitya Banerjee
Mr. Diptangshu Basu
... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 80 days. It is further submitted petitioner is in no way connected with dealing in narcotic substance. Godown from where *cough syrup* containing *codeine phosphate* was recovered was let out to his brother viz. Ajay Saha a year earlier.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner and Ajay Saha are brothers. They carry on illegal business in narcotic substance. A large volume of *cough syrup* containing *codeine phosphate* was recovered from the godown owned by the petitioner.

We have considered the materials on record. Petitioner is the owner of the land on which the godown is situated. Purported rent agreement relied upon by the petitioner is executed in favour of his own brother. In view of the close relationship between the parties and the prima facie materials which show recovery of a large volume of narcotic

substance from the godown, we are of the opinion this is not a fit case to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)