

20.09.2022.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1060 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.108 of 2021 arising out of Haroa P.S. Case No.372 of 2021 dated 29.08.2021 under Sections 21(c) of the N. D. P. S. Act.

In the matter of : Nasiruddin Gazi.

... Petitioner.

Mr. Arka Maiti,
Ms. Saloni Bhattacharjee,
Ms. Gulsanwara Pervin.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Ms. Sonali Das.

...for the State.

Petitioner renews his prayer for bail. He contends he was arrested in Minakhan Police Station in the morning of the fateful day. Subsequently, he has been falsely implicated in the instant case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses as well as the seizure memorandum and the arrest memo show apprehension of the petitioner with narcotic substance above commercial quantity at Uttar Bagjola Canel side road near Bhaspara Bridge within police station-Haroa. Plea of the petitioner that he had been apprehended at a different place in the morning of the self-same day requires to be probalised during trial.

However, in the light of the aforesaid convincing materials on record and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)