

03.11.2022
Sl. No.20
akd
[Rejected]

C. R. M. (NDPS) 1250 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.10.2022 in connection with Kaliachak Police Station Case No. 397 of 2022 dated 16.04.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Special Case No.57 of 2022)

And

In Re: ***Mosaraf Sk. @ Mosraf***

... .. Petitioner

Mr. Apalak Basu
Mr. Mukunda Lal Sarkar
Mr. Bikram Mandal

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan

... .. for the State

It is submitted on behalf of the petitioner that he applied for bail before this court on merits. However, he is entitled to statutory bail as police report had not been filed on the day on which he preferred the bail application.

Learned Additional Public Prosecutor disputes such fact and submits that charge-sheet was filed on 08.10.2022 prior to filing of the bail application.

In view of the aforesaid fact, we are of the opinion petitioner is not entitled to statutory bail.

On merits, we note there are ample materials showing recovery of narcotic substance above commercial quantity from the possession of the petitioner. Under such circumstances, we are not inclined to grant bail to the petitioner on merits too.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

