

23.11.2022.
18.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1368 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. 74 of 2022 arising out of Baduria P.S. Case No.344 of 2022 dated 01.06.2022 under Sections 21(c) of the N. D. P. S. Act.

In the matter of : Mobarek Mistri.

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioner is in custody for five months. He submits recovery was made while he was in custody. No independent witness was present when the recovery was made. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits recovery was made from the response of the petitioner.

We have considered the materials on record. Recovery of narcotic substance above commercial quantity was made from the response of the petitioner.

In view of the aforesaid incriminating materials and in view of 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.)

