

20.12.2022.
19.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1510 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nadanghat P.S. Case No.327 of 2021 dated 06.10.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Mintu Biswas.

... Petitioner.

Md. Zeeshan Uddin,
Mr. Amrin Khatoon.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

Petitioner is in custody for 396 days. He submits recovery was from the house of co-accused viz., Tapas Saha. He is a physically challenged person. 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 and contemporaneous document i.e. seizure memorandum show petitioner was present in the house at the time of recovery. He was arrested at the spot.

Under such circumstances and in view of 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.)

