

06.01.2023

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rejected

C.R.M.(NDPS) No. 11 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kamarhati Police Station Case No. 25 of 2022 dated 14.05.2022 under Section 21(c) of the NDPS Act.

In Re : Imran Ali @ Nepali And
 petitioner

Mr. Sabyasachi Mukherjee
Mr. Bibek Dey
Mr. Mukesh Khanna
Ms. Debarati Chowdhury
Syed Neaz Ahmed
 for the petitioner

Mr. Ranabir Roychowdhury
Mr. Mainak Gupta
 for the State

Learned Counsel appearing for the petitioner submits he was in police custody at 9.00P.M. on 14.05.2022. Hence, allegation of recovery of narcotic substance from his possession at 10.05P.M. is patently absurd. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotic substance from the possession of the petitioner at the time of occurrence i.e. 10.05P.M. In view of the aforesaid materials on record we are

of the view that the plea that he had been arrested prior to the incident does not hold water. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to him.

The application for bail is, thus, rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)