

10.01.2023.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 23 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No. 38 of 2022 arising out of Balurghat P.S. Case No.294 of 2022 dated 27.04.2022 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act and charge sheet submitted under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act.

In the matter of : Gopal Barman.

... Petitioner.

Mr. Kaushik Chaudhury,
Ms. Busra Khatoon.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioner is in custody for 253 days. He submits no narcotic was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits narcotic substance was recovered from the house of the petitioner. His son was present at the time of recovery.

We have considered the materials on record. Recovery was made from the house of the petitioner. His son was present at the time of recovery. Bail prayer of co-accused viz., Pintu Dey Sarkar was turned down by this Court. Call Data Records (CDRs) between petitioner and co-accused viz., Pintu Dey Sarkar show meeting of minds. These circumstances lead to the irresistible inference of the involvement of the petitioner in dealing in narcotics.

In view of the aforesaid facts and 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.)