

20.01.2023.
26.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 90 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat P.S. Case No.837 of 2021 dated 21.11.2021 under Sections 21(c)/29 of the NDPS Act and charge sheet submitted under Section 21(c) of the NDPS Act.

In the matter of : Sahajan Molla.

... Petitioner.

Mr. Sourav Chakraborty.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner submits the allegations of recovery of narcotic is absurd. On the same day, he was implicated in another case relating to recovery of narcotic.

Learned Advocate for the State clarifies the position. He submits petitioner initially was apprehended, inter alia, with 612 bottles of phensedyl syrup. On such accusation, the present case was registered. Subsequently, on the leading statement of the petitioner another consignment of phensedyl bottles were recovered leading to the registration of another case.

We have considered the materials on record. Recoveries from the petitioner in the present case preceded the subsequent recovery which resulted in registration of another case. Whether the two cases required to be clubbed and tried together may be adjudicated during trial. However, registration

of the subsequent case does not improbabilise the accusation in the present one.

In view of the aforesaid materials on record 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.)