

31.01.2023.
06.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 127 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 57 of 2021 arising out of Berhampore P.S. Case No.264 of 2021 dated 16.03.2021 under Sections 22(c)/29 of the NDPS Act.

In the matter of : Almamun Molla.

... Petitioner.

Ms. Chandrima Debnath.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for more than nine months. He submits recovery of narcotics is doubtful. His signature does not appear on the seizure list. There was no independent witness to the seizure.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of official witnesses and contemporaneous document viz., arrest memo show the presence and apprehension of the petitioner from the spot. Narcotics above commercial quantity i.e. 1600 bottles of phensedyl syrup containing codeine phosphate was recovered from the joint possession of petitioner and the co-accuseds.

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 the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)