

01.02.2023

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rejected

C.R.M.(NDPS) No. 141 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 223 of 2022 dated 04.07.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Alamgir Sk. @ Alam Sk. @ Alomgir Sk. .... petitioner

Mr. Arnab Chatterjee  
Mr. Amanul Islam  
Mr. Sourav Mukherjee  
... for the petitioner

Mr. Ranadeb Sengupta  
... for the State

Learned Counsel for the petitioner submits he is in custody for 177 days. It is also submitted that purported recovery was made from an open area accessible to all. He was in custody at the material point of time. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner has criminal antecedents. His complicity in the crime transpires from the telephonic conversations between himself and the co-accuseds. On his disclosure statement 99 bottles of phensedyl syrup were recovered in presence of the independent witnesses. 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.

The application for bail is, thus, rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**