

20.02.2023
Sl. No.1
akd
[Rejected]

C. R. M. (NDPS) 149 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 in connection with Sagardighi Police Station Case No.216 of 2022 dated 20.05.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.122 of 2022)

And

In Re: ***Golam Kibria***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Chandrima Debnath

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he had been illegally detained at the police station. Thereafter, he has been falsely implicated.

In view of the aforesaid submission, report with regard to CCTV footage of the police station was called for. Report shows that the footage of the relevant period is not available.

We have considered the materials on record. Though the petitioner complained he was illegally detained, no contemporaneous complaint was filed. Issue was raised after the petitioner was implicated in the case. Statements of witnesses and other materials show recovery of 10 ltrs. of *codeine phosphate* from the petitioner. Accordingly, we are satisfied there are prima facie materials against the petitioner implicating him in the possession of narcotics above commercial quantity.

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.

The application for bail is thus **rejected**.

The petitioner shall be entitled to raise all just defences during trial.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)