

10.02.2023

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rejected

C.R.M.(NDPS) No. 235 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goalpokher Police Station Case No. 225 of 2022 dated 24.06.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Amit Mitra & Anr. petitioners

Mr. Amit Roy

... for the petitioners

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

.... for the State

Learned Counsel for the petitioners submits they are in custody for 224 days. It is also submitted that co-accuseds have been granted anticipatory bail. He prays for regular bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Narcotics above commercial quantity was recovered from a vehicle. Petitioners were present in the said vehicle at the time of recovery. They do not stand on the same footing with co-accuseds who have been granted anticipatory bail. In view of the aforesaid incriminating materials and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

