

13.02.2023
Sl. No.20
akd
[Rejected]

C. R. M. (NDPS) 245 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2023 in connection with Entally Police Station Case No.102 of 2022 dated 11.04.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Aftabuddin Sk. @ Ajibul***

... .. Petitioner

Mr. Arnab Chatterjee

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 302 days. It is further submitted no narcotic substance was recovered from his possession.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Narcotics above commercial quantity i.e. 521 gms. of *Heroin* was recovered from the joint possession of one Amjad Sk. and Lokeman Mallick. On their statements, petitioner was arrested. He made disclosure statement leading to further recovery of 45 gms. of *Heroin* from the possession of one Sahnwas Sheikh. The aforesaid materials show petitioner is involved in the conspiracy of trafficking narcotics above commercial quantity. Date has been fixed for recording prosecution evidence.

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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

