

16.02.2023
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rejected

C.R.M. (NDPS) No. 264 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 502 of 2022 dated 18.04.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Najibul Islam @ Babu petitioner

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. Rabia Khatun

... for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

... for the State

Learned Counsel for the petitioner submits registration mark of the vehicle stated in the FIR shows from official records is a motor cycle. Allegations against the petitioner are out and out false. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner was driving a vehicle wherefrom 10,000 pieces of yaba tablets were recovered. It is contended that the vehicle is a motor cycle. Such issue may be thrashed out during trial. However, in view of the materials on record and 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.)