

17.02.2023

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rejected

C.R.M. (NDPS) No. 290 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1439 of 2021 dated 27.12.2021 under Sections 21(b))/29 of the NDPS Act and Section 27A of the Drugs and Cosmetics Act.

And

In Re : Somen Mandal petitioner

Mr. Uday Sankar Chatterjee
Mr. Suman Sankar Chatterjee
... for the petitioner

Mr. Swapan Banerjee
Mr. Suman De
... for the State

Learned Counsel for the petitioner submits he is in custody for one year and two months. It is also submitted he has been falsely implicated. Co-accuseds are on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was apprehended at the spot with narcotic substance.

We have considered the materials on record. Petitioner was apprehended at the spot. Narcotics above commercial quantity i.e. 150 bottles of phensedyl syrup was recovered from his possession. Petitioner does not stand on the same footing with co-accused who was subsequently arrested. In view of the aforesaid circumstances 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.)