

22.03.2023

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rejected

C.R.M. (NDPS) No. 398 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 159 of 2021 dated 31.03.2021 under Section 21(c)/29 of the NDPS Act.

And

In Re : Dhananjay Halder petitioner

Mr. Saikat Chatterjee
... for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Manaranjan Mahata
... for the State

Learned Counsel for the petitioner prays for interim bail on the ground of treatment of his wife. He contends she has suffered burn injuries and requires surgery.

Learned Counsel for the State submitted report which is placed on record.

From the report it appears petitioner's wife sustained burn injuries one year ago. Medical papers also do not show that surgery has been fixed in the near future.

Hence, we are not inclined to enlarge him on interim bail at present on humanitarian grounds. On merits we find 1.044 kgs. of Heroin was recovered from the joint possession of the petitioner and co-accuseds.

Under such circumstances and in view of 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.)