

17.03.2023
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 406 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.03.2023 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: **Sahnwas Shaikh**

... .. Petitioner

Mr. Sabir Ahmed
Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
Mr. Abdul Aziz Mondal

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 335 days. It is further submitted 45 gms. of *Heroin*, which is below commercial quantity was recovered from his possession.

Learned Advocate for the State opposes the prayer for bail and submits petitioner entered into a conspiracy with co-accuseds to deal in narcotics. Total recovery from them is to the tune of 576 gms. of *Heroin*, which is above commercial quantity.

We have considered the materials on record. Initially, 521 gms. of *Heroin* was recovered from co-accuseds viz. Amjad Sk. and Lokeman Mallick. On their statements, Aftabuddin Sk. @ Ajibul was arrested. No recovery was made from him but pursuant to his disclosure statement, 45 gms. of *Heroin* was recovered from the petitioner. Bail prayer of Aftabuddin Sk. @ Ajibul has been turned down by this court. Petitioner stands on a worse footing than Aftabuddin Sk. @ Ajibul as recovery had been made from his possession. Materials on record

prima facie show concert between the parties in dealing in narcotics above commercial quantity.

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.

Trial court is directed to expedite the trial and conclude the same at an early date.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)