

22.03.2023

7

sdas
rejected

C.R.M. (NDPS) No. 451 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 338 of 2021 dated 07.07.2021 under Sections 20(b)(ii)(A) of the NDPS Act and Section 27A of the Drugs and Cosmetics Act.

And

In Re : Manik Haldar @ Manik Halder petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatun

... for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

... for the State

Learned Counsel for the petitioner submits recovery was not made from his residence. Place of recovery is not within his control and custody.

Learned Counsel for the State opposes the prayer for bail and submits petitioner has criminal antecedents. Search of his premises resulted in recovery of 391 nos. of Buprenorphine Injections along with 750 gms of Ganja. Investigation is in progress.

We have considered the materials on record. The land records seized in the course of the investigation show that the tin shed wherefrom recoveries were made is on the land owned by the petitioner. It is further contended that the petitioner was in custody at the time of recovery. However, recovery was made

in the presence of independent witnesses which prima facie rules out a case of planting. Investigation is in progress.

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.)