

22.03.2023

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rejected

C.R.M. (NDPS) No. 452 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. 557 of 2022 dated 27.04.2022 under Sections 22(c)/29 of the NDPS Act.

And

In Re : Nabab Sk. .... petitioner

Mr. Soumyajit Das Mahapatra

Mr. Tapodip Gupta

Ms. Madhurai Sinha

... for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

... for the State

Learned Counsel for the petitioner submits he is in custody for eleven months. It is also submitted recovery was made from a house which does not belong to him. He prays for bail.

Learned Counsel for the State opposes the prayer for bail. He submits on the leading statement of co-accused 60 bottles of phensedyl syrup were recovered from the residence of the petitioner.

We have considered the materials on record. Seizure memorandum shows recovery was made from the residence of the petitioner. Even the leading statement of the co-accused refers to the place of recovery as that of the house of the petitioner. Petitioner was also arrested from the aforesaid

residence. These circumstances prima facie establish the house belongs to the petitioner.

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.)**