

22.03.2023

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rejected

C.R.M. (NDPS) No. 456 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. 359 of 2020 dated 29.06.2020 under Sections 21/29 of the NDPS Act read with Sections 18(b)/27 of the Drugs and Cosmetics Act.

And

In Re : Asirul Sk. @ Hasirul Sk. petitioner

Mr. Rana Mukherji
Ms. Rhiddhima Mukherjee
... for the petitioner

Mr. Sanjoy Bardhan
Ms. Debjani Dasgupta
... for the State

Learned Counsel for the petitioner submits no narcotics was recovered from his possession. He has been falsely implicated in the case. He renews his bail prayer.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Initially, complicity of the petitioner transpired from the statement of co-accuseds. Thereafter, on his leading statement a large consignment of narcotics was recovered. In all 37500 bottles of phensedyl syrup containing codeine phosphate above commercial quantity had been recovered. These materials show concert and conspiracy between the petitioner and co-accuseds in dealing in narcotics. Bail prayer of the petitioner was rejected earlier on merits. Delay in the matter was due to abscondence of other 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.)