

27.03.2023.
18.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 513 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.164 of 2020 arising out of Eco Park P.S. Case No.145 of 2020 dated 13.08.2020 under Sections 21(C) of the NDPS Act and charge sheet submitted under Sections 21(C)/29 of the NDPS Act and supplementary charge sheet filed under Sections 21(C)/29 of the NDPS Act.

In the matter of : Saddam Hossain @ Chaina.
... Petitioner.

Mr. Nilanjan Adhikari.
...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.
...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 3 ltrs. of codeine mixture from the possession of the petitioner. Delay in the matter is due to abscondence of co-accused and cannot be attributed to the prosecution.

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.

Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)