

29.03.2023

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rejected

C.R.M. (NDPS) No. 560 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karandighi Police Station Case No. 403 of 2022 dated 05.08.2022 under Section 21(c) of the NDPS Act.

And

In Re : Murad Ali & Anr. petitioners

Mr. Saryati Datta

Mr. Chitrak Biswas

... for the petitioners

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

... for the State

Learned Counsel for the petitioners submits they are in custody for 236 days. It is also submitted chemical examiner's report has not been filed. They pray for bail.

Learned Counsel for the State opposes the bail prayer and submits charge has already been framed.

We have considered the materials on record. Statements of the witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics i.e. 268 gms. of narcotics suspected to be Heroin from a bag which was hanging from the handle of a motor cycle driven by the petitioners.

In view of the aforesaid incriminating materials and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

The application for bail is, thus, rejected.

Chemical examiner's report be filed at the earliest.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)