

03.04.2023
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 626 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.03.2023 in connection with Berhampore Police Station Case No.1103 of 2022 dated 25.08.2022 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.189 of 2022)

And

In Re: ***Asmat Sk. & Ors.***

... .. Petitioners

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
Ms. Atreyee Halder
Mr. Souparna Sinha

... .. for the petitioners

Mr. T. D. Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for more than 221 days. It is further submitted recovery was from the house of petitioner no.1. Petitioner nos.2 & 3 being relations of petitioner no.1 have been falsely roped in.

Learned Advocate for the State opposes the prayer for bail and submits petitioners and a co-accused were dealing in narcotics at the time of recovery.

We have considered the materials on record. Statements of witnesses show petitioners were dealing in narcotics. Recovery was made from the house of petitioner no.1. Other petitioners were present in the house at the time of recovery. This gives rise to a statutory presumption against the petitioners which may be rebutted during trial. Under such circumstances and in view of the 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)