

24.04.2023
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 696 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.03.2023 in connection with NDPS Case No.12 of 2022 arising out of NCB Crime No.04/NCB/KOL/2022 under Sections 8(c)/21(c)/22(c)/23/25/29 of the NDPS Act.

And

In Re: ***Om Narayan Gupta***

... .. Petitioner

Mr. Souvik Mitter
Mr. Kalyan Kumar Bhattacharjee
Ms. Rajnandini Das

... .. for the petitioner

Mr. Arun Kumar Maiti
Mrs. Sumita Sarkar

... .. for the NCB

It is submitted on behalf of the petitioner that he had executed a tenancy agreement in favour of one Abdus Sadek Sarkar to carry on business. Recovery was made from the said tenanted premises. He is in no way connected with the transaction in narcotics. Accordingly, he renews his prayer for bail.

Learned Advocate for the NCB submits report showing involvement of the petitioner.

Materials on record show recovery of *codeine phosphate* above commercial quantity from the premises owned by the petitioner. In his statement under Section 67 of the NDPS Act, petitioner did not refer to any tenancy agreement executed in favour of co-accused viz. Abdus Sadek Sarkar. In the earlier bail application also no pleading to that effect was made. These circumstances prima facie show the plea of tenancy is an afterthought. Under such circumstances and in view of the incriminating materials on record showing recovery of narcotics from the residence of the petitioner, we are not inclined to grant bail to him.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)