

18.04.2023
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rejected

C.R.M. (NDPS) No. 778 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 98 of 2022 dated 27.03.2022 under Sections 21(c)/29 of the NDPS Act and under Sections 13/14 of the Foreigners Act.

And

In Re : Jahangir Alam petitioner

Mrs. Subhasree Patel
Ms. Saini Das
Sk. Massom Ali

... for the petitioner

Mr. Sudip Ghosh
Mr. A. K. Dutta
Mr. B. Banerjee

... for the State

Learned Counsel for the petitioner submits recovery was made from an open field. Co-accused are on bail. He renews his bail prayer.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. A number of persons were illegally smuggling Phensedyl Syrup. BSF chased them. They dropped the consignment on a field and tried to run away. Petitioner was apprehended at the spot. Others fled. The aforesaid circumstances clearly establish control and dominion of the petitioner over the consignment of narcotics recovered. Identity of the co-accused was revealed from the statement of the petitioner before the police officer. In view of the fact the statement of co-accused before police is

inadmissible, they have been released on bail. Petitioner does not stand on the same footing with the said co-accused.

In view of the aforesaid circumstances and 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.)