

19.04.2023

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rejected

C.R.M. (NDPS) No. 793 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar Police Station Case No. 597 of 2020 dated 05.11.2020 under Section 21(c) of the NDPS Act.

And

In Re : Rajesh Sardar alias Sardar petitioner

Mr. Angshuman Chakraborty
... for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu
... for the State

Learned Counsel for the petitioner submits no narcotics was recovered from his possession. He has been falsely implicated. He renews his prayer for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the BSF personnel disclose the identity of the petitioner as the person who ran away from the spot where narcotics was recovered. The aforesaid materials prima facie show control and domain of the petitioner over the narcotics which was recovered. Bail prayer of the petitioner was rejected earlier on merits.

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.)