

19.04.2023

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rejected

C.R.M. (NDPS) No. 796 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 556 of 2021 dated 12.11.2021 under Sections 21(c)/29 of the NDPS Act read with Sections 18(b)/27 of the Drugs and Cosmetics Act.

And

In Re : Md. Arif petitioner

Mr. Debapriya Majumder

... for the petitioner

Mr. Sandip Chakraborty

... for the State

Learned Counsel for the petitioner submits co-accused have been enlarged on bail. He is in custody for one year and five months. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was present in the vehicle which was used to carry narcotics.

We have considered the materials on record. 20,000 bottles of Phensedyl Syrup were recovered from a truck. Petitioner was present in the truck and had control and domain over the narcotics. No narcotics was recovered from the co-accused who are on bail and they do not stand on the same footing with the petitioner.

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.)