

01.05.2023
Sl. No.18
akd
[Rejected]

C. R. M. (NDPS) 906 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.04.2023 in connection with Lalgola Police Station Case No.175 of 2022 dated 28.05.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.123 of 2022)

And

In Re: ***Yeakub Ali @ Eyakub Ali @ Babua***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor

Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about eleven months. It is further submitted he was arrested in an earlier case. Subsequently, he has been falsely implicated in the instant case. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits on the leading statement of the petitioner, 32 bottles of *phensedyl syrup* were recovered from his residence.

We have considered the materials on record. Petitioner was arrested in a case involving possession of illegal arms. Subsequently, he made a disclosure statement which led to recovery of narcotics above commercial quantity from his residence. 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 petitioner.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

