

08.05.2023.
14.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 936 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.123 of 2021 arising out of Gangnapur P.S. Case No.232 of 2021 dated 20.10.2021 under Sections 21(c) of the NDPS Act.

In the matter of : Biswajit Karmakar.

... Petitioner.

Mr. Prabir Majumder,
Mr. S. Banerjee.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for 571 days. He submits he has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 40 bottles of phensedyl containing codeine phosphate from the petitioner. Charge has already been framed and date has been fixed for recording evidence.

Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)