

03.07.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1179 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.06.2023 in connection with Dholahat Police Station Case No.180 of 2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: **Saidul Khan**

... .. Petitioner

Mr. Gouranga Kumar Das

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Bibaswan Bhattacharya

... .. for the State

It is submitted on behalf of the petitioner that on 23.04.2022 he had been summoned to the police station. He went there with his motorcycle. Subsequently, he has been falsely implicated in the instant case. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. No contemporaneous report with regard to illegal detention of the petitioner since 23.04.2022 is placed on record. Description of the motorcycle as a bicycle in the seizure list is of little consequence. There are ample materials including documentary evidence with regard to recovery of narcotics from the petitioner. 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.)

