

18.07.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 1274 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.07.2023 in connection with Titagarh Police Station Case No.714 of 2022 dated 02.12.2022 under Section 21(c) of the NDPS Act.

And

In Re: ***Birupam Sarkar @ Bhona***

... .. Petitioner

Ms. Rita Patra
Ms. Pusmita Das
Mr. Pradip Bose

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Debjani Dasgupta

... .. for the State

It is submitted on behalf of the petitioner that he was illegally detained and falsely implicated in the instant case. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits seizure has been videographed.

We have considered the materials on record. Statements of witnesses and other materials i.e. seizure memo and videography disclose recovery of narcotic substance i.e. 1.62 kgs. of *codeine mixture*, which is above commercial quantity 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.)

