

18.07.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 1272 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.07.2023 in connection with Berhampore Police Station Case No.805 of 2021 dated 02.08.2021 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.160 of 2021)

And

In Re: ***Samsher Sk. @ Asraful Sk.***

... .. Petitioner

Mr. G. F. Hossain
Ms. Varsha Roy

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 700 days. It is further submitted he is a tea stall owner and played no role in trafficking of narcotics. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Narcotics above commercial quantity was recovered from the shop of the petitioner. Bail prayer of co-accused has been turned down in March, 2023. No narcotics was recovered from the co-accused who has been enlarged on bail and petitioner cannot claim parity with him. 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.)

