

01.08.2023.
17.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1339 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.45 of 2022 arising out of Goalpokher P.S. Case No.183 of 2022 dated 22.05.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Safikul Mia @ Safikul Mia.
... Petitioner.

Mr. Susnigdho Bhattacharyya,
Mr. Bikram Mandal,
Ms. Bidisha Chakraborty.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for more than a year. He submits no narcotics was recovered from his possession. He has been falsely implicated. He prays for bail.

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. 1.5 kgs. of brown sugar i.e. heroin from the petitioner.

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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)