

09.08.2023
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 1373 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.08.2023 in connection with Suti Police Station Case No.305 of 2022 dated 28.05.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.135 of 2022)

And

In Re: ***Ratan Kr. Barman @ Doga & Ors.***

... .. Petitioners

Mr. Jisan Iqubal Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

... .. for the petitioners

Mr. Sanjay Bardhan
Mr. Palash Chandra Majhi

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about one year and two months. It is further submitted they have been falsely implicated in the instant case. Co-accused have been enlarged on bail. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail and submits co-accused who were in a different vehicle were enlarged on bail. Petitioners stand on a different footing from the said co-accused.

We have considered the materials on record. Petitioners were present in a vehicle which was carrying 52 kgs. of *Ganja*. It is contended there is discrepancy in the arrest memo and the place of recovery. Petitioners were apprehended at the spot and thereafter, taken to the police station and arrested. This explains the entries in the arrest memo. Materials on record prima facie establish apprehension of the petitioners from the car wherefrom narcotics was recovered. Co-accused who were travelling in a different vehicle alongside the car of

the petitioners have been enlarged on bail. No narcotics has been recovered from their vehicle. Hence, petitioners cannot claim parity with the said co-accused.

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 petitioners.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)