

16.08.2023.
14.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1393 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.83 of 2022 arising out of Sagardighi P.S. Case No.100 of 2022 dated 27.03.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Golam Mostafa @ Mustafa.
... Petitioner.

Mr. Jisan Iqubal Hossain,
Ms. Chandrima Debnath.
...for the Petitioner.

Mr. Ranadeb Sengupta.
...for the State.

1. Learned Advocate for the petitioner submits he has been falsely implicated. Charge has not yet been framed. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits delay in the matter is due to abscondence of co-accused.

3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum shows recovery of narcotics above commercial quantity i.e. 3 kgs. of heroin from the joint possession of petitioner and co-accused. Delay in the matter is due to abscondence of co-accused and cannot be attributed to the prosecution.

4. 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.

4. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)