

25.08.2023

6
sdas
rejected

C.R.M.(NDPS) No. 1436 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sadaipur Police Station Case No. 45 of 2023 dated 02.03.2023 under Section 21(c) of the NDPS Act.

And

In Re : Sk. Ismail

.... Petitioner

Mr. Arnab Chatterjee

Ms. Dhanasree Biswas

Ms. Poulami Bose

Mr. Rahul Chachan

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Mr. Ranadeb Sengupta

..... for the State

1.Learned Counsel for the petitioner submits 106 grams of Heroin was recovered from the possession of the petitioner. Quantity of amount of Heroin recovered is below commercial quantity and the petitioner may be released on bail.

2.Learned Counsel for the State opposes the bail prayer and submits recovery made from the joint possession of the petitioner and co-accused is to the tune of 294 grams of Heroin.

3.We have considered the materials on record. Petitioner and co-accused were apprehended in the course of raid. Though recovery of 106 grams of Heroin was made from the petitioner, 294 grams of Heroin was recovered from the joint possession of the petitioner and co-accused. Manner and circumstance in which the accused were apprehended with

narcotics show sharing of common intention to possess and transport the narcotics. Invocation of graver offence under Section 21(c) of the NDPS Act is prima facie justified and bail of the petitioner is denied in the light of the aforesaid facts and restrictions under Section 37 of the NDPS Act.

4. The application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)