

12.09.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1501 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Goalpokher Police Station Case No.225 of 2022 dated 24.06.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.53 of 2022)

And

In Re: **Kanhaiya Yadav**

... .. Petitioner

Mr. Kushal Paul
Ms. Soma Chowdhury (Bandhu)
... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than 400 days. Co-accused has been enlarged on pre-arrest bail. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Petitioner was present in the vehicle wherefrom narcotics above commercial quantity was recovered. His bail prayer was rejected earlier on merits. 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.
4. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

