

19.09.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 1544 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with Chanditala Police Station Case No.58 of 2023 dated 24.01.2023 under Section 20(b)(ii)(c) of the NDPS Act. (NDPS Case No.03 of 2023)

And

In Re: ***Rakesh Das & Anr.***

... .. Petitioners

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
Ms. Sreeparna Sinha

... .. for the petitioners

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 230 days. It is further submitted they have been falsely implicated. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 107.465 kgs. of *Ganja*, which is above commercial quantity from two vehicles. Petitioners were present in the said vehicles. In view of the aforesaid incriminating materials and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.
4. The application for bail is thus rejected.
5. Trial court is directed to consider the issue of framing of charge at the earliest.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)

