

27.09.2023

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rejected

C.R.M.(NDPS) No. 1596 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 162 of 2023 dated 12.03.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Merina Bibi petitioner

Mr. Jisan Hossain

Ms. Chandrima Debnath

... for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

... for the State

1. Learned Counsel for the petitioner submits he is the wife of the co-accused. It is also submitted she did not share common intention to transport narcotics. She is in custody for more than six months. She prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits narcotics was recovered from their joint possession.

3. We have considered the materials on record. Petitioner and her husband were apprehended by the raiding party. Upon searching 72 bottles of Phensedyl Syrup containing codeine phosphate above commercial quantity were recovered. Manner and circumstances in which the recovery was made from the joint possession of the petitioner and co-accused give an inference of commonality of intention to traffic narcotics. 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. The application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)