

10.10.2023
Sl. No.17
akd
[Rejected]

C. R. M. (NDPS) 1658 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.10.2023 in connection with Panchla Police Station Case No.186 of 2023 dated 10.06.2023 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Bhutan Giri & Anr.***

... .. Petitioners

Mr. Rafikul Islam Sardar

... .. for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioners that petitioner no.1 is suffering from various ailments. Petitioner no.2 is the driver. 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. 28 kgs. of *Ganja*, which is above commercial quantity from a vehicle. Petitioner no.2 was the driver of the vehicle. 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 petitioners on merits.
4. On the score of illness of petitioner no.1, we have examined the medical documents. His ailment does not appear to be serious or alarming so as to release him on bail on such score.
5. The application for bail is thus rejected.

6. Nonetheless, we direct the trial court to extend proper medical assistance to petitioner no.1 as and when required.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)