

16.10.2023.
18.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1700 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.01 of 2023 arising out of Purulia (M) Case No.261 dated 31.12.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Sk. Kismat.**

... Petitioner.

Mr. Rajeshwar Chakraborty.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.

...for the State.

1. Petitioner is in custody 287 days. He submits alleged recovery of narcotics is not supported by independent witnesses. Co-accused is on bail. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner has criminal antecedents. He was arrested in another case. During interrogation, he made disclosure statement resulting in recovery of narcotics from his residence. Recovery was made in the dead hours of night. Hence, no independent witness was available. He does not stand on the same footing with the co-accused who is on bail.

3. We have considered the materials on record. Petitioner was arrested in a case involving dacoity. During interrogation, he made a disclosure statement. Pursuant to the said statement raid was held at his residence and on the showing of the petitioner 1.5 ltrs. of codeine mixture was recovered. Recovery was made at the dead of night. Hence, no

independent witness was available. These incriminating materials prima facie establish involvement of the petitioner in dealing in narcotics above commercial quantity. He has criminal antecedents. He does not stand on the same footing with the co-accused who is on bail from whom no narcotics was recovered.

4. Under such circumstances, we are not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)