

20.11.2023
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 1763 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.10.2023 in connection with Kushmandi Police Station Case No.93 of 2023 dated 21.04.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act and Sections 341/353/325/326/307 of the Indian Penal Code. (NDPS Case No.37 of 2023)

And

In Re: ***Yasin Ali***

... .. Petitioner

Mr. Mazhar Hossain Chowdhury
... .. for the petitioner

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

1. It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. He has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was illegally smuggling narcotics. BSF personnel apprehended him. A skirmish ensued. Petitioner as well as BSF personnel suffered injuries. Initially he was hospitalised and thereafter shown arrested from the hospital.
3. We have considered the materials on record. Statements of BSF personnel show there was a skirmish between the petitioner and the patrol party. Petitioner was illegally transporting narcotics across international border. In course of skirmish, petitioner was injured. He was taken to hospital and upon his recovery he was arrested. These circumstances lead to the irresistible inference that petitioner was in illegal possession of narcotics when he was confronted by BSF

personnel. In view of such fact and 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)