

30.11.2023
Sl. No.16
akd
[Rejected]

C. R. M. (NDPS) 1836 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.10.2023 in connection with Karandighi Police Station Case No.641 of 2022 dated 16.12.2022 under Sections 21(c)/25/28/29 of the NDPS Act. (NDPS Case No.80 of 2022)

And

In Re: ***Niyaj Ahamed & Anr.***

... .. Petitioners

Mr. Pronojit Roy

... .. for the petitioners

Ms. Faria Hossain

Mr. Anand Kesari

Ms. Pritha Paul

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 346 days. Co-accused have been granted pre-arrest bail. 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. 11000 ltrs. of *codeine mixture*, which is above commercial quantity from a truck. Petitioners were present in the truck. They do not stand on the same footing with co-accused who have been granted pre-arrest bail. Their complicity is based on the statement of other accused. 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.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

