

37.
09.11.2023.
Court No.08
g.b./pg.
(Rejected)

CRM (NDPS) 1860 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.11.2023 in connection with NDPS Case No.32 of 2022 arising out of Pandabeswar P.S. Case No.154 of 2022 dated 07.12.2022 under Sections 21(c)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : Abdul Haque @ Pocha & Anr.
... Petitioners

Mr. Tapodip Gupta
...For the Petitioners

Mr. Anwar Hossain
Mr. Palash Ch. Majhi
...For the State

1. Learned advocate for the petitioners submits that his clients have been falsely implicated in the case and though the prayer of the petitioners for bail was rejected by the Co-ordinate Bench on March 17, 2023 but there is a change in the circumstances inasmuch as the chargesheet has been filed. He further submits that FSL report in respect of Morphine has been found negative.

2. Learned advocate for the State opposes the prayer for bail and submits that 4.095 kilograms of Morphine and 328 grams of Heroin have been recovered from the vehicle of which the petitioner no.1 is the owner and both the petitioners were present in the said vehicle.

3. We have heard the learned advocate for the parties and have perused the case diary. The FSL report suggests that the sample taken from the seized light brown coloured powder on chemical and Chromatographic examinations has been found positive for diacetyl morphine (Heroin) and 6-monoacetyl morphine.

4. The contemporaneous document i.e., seizure memo discloses seizure of narcotics above commercial quantity from the aforementioned vehicle.

5. In view of the aforesaid, we are not inclined to entertain the prayer of the petitioners for bail.

The prayer for bail is therefore rejected, CRM (NDPS) 1860 of 2023 is thus disposed of.

(Raja Basu Chowdhury, J.)

(Biswajit Basu, J.)