

23.11.2023

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sdas
rejected

C.R.M.(NDPS) No. 1871 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 177 of 2022 dated 31.07.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re : Jewel Mandal @ Jwell Mandal petitioner

Mr. Kaushik Choudhury

....for the petitioner

Mr. Ranadeb Sengupta

..... for the State

1. Learned Counsel for the petitioner submits no narcotic substance was recovered from his possession. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner was carrying narcotics on a motor cycle when BSF personnel confronted him. He was detained by the BSF personnel. At that time he ran away.

3. We have considered the materials on record. Statements of BSF personnel and other contemporaneous documents show petitioner was carrying narcotics on a motor cycle. He was detained by the BSF personnel. At that time he ran away. These circumstances show petitioner was involved in trafficking of narcotics above commercial quantity. In view of the aforesaid fact and statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)