

19.12.2023
Sl. No.1
akd
[Rejected]

C. R. M. (NDPS) 1925 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.11.2023 in connection with Md. Bazar Police Station Case No.119 of 2023 dated 27.04.2023 under Sections 21/29 of the NDPS Act.

And

In Re: ***Atai Sha @ Giasuddin Sha @ Giasuddin Shah***
... .. Petitioner

Mr. Saryati Datta
Mr. Sanjib Kumar Dan
... .. for the petitioner

Ms. Amita Gaur
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 102 days. It is further submitted no narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner used to deal in narcotics with co-accused. A large volume of narcotics i.e. 2.394 kgs. of *codeine phosphate* was recovered from co-accused.
3. We have considered the materials on record. Apart from statement of co-accused documentary evidence in the form of chits showing monetary transactions between the petitioner and co-accused have been recovered. In the light of the aforesaid materials on record and 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.
5. Though investigation is complete, we direct further investigation into the matter.

6. Investigating Agency is directed to send the chits recovered in course of investigation for verification by a handwriting expert.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)