

18.12.2023

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sdas
rejected

C.R.M.(NDPS) No. 1940 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 223 of 2022 dated 11.09.2022 under Sections 21(c) /29 of the NDPS Act.

In Re : Alam Sk. And
..... petitioner

Mr. Jyoti Prakash Chatterjee
Mr. Debattam Das
.....for the petitioner

Mr. Iqbal Kabir
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 400 days. It is also submitted no narcotics was recovered from his possession. Co-accused have been granted bail. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner and co-accused were attempting to smuggle narcotics across the international border. Petitioner was arrested at the spot along with narcotics.

3. We have considered the materials on record. Statements of witnesses and contemporaneous documents i.e. seizure memorandum show petitioner was arrested at the spot from where a large consignment of narcotics i.e. 674 bottles of Phensedyl Syrup containing codeine phosphate. Involvement of the co-accused who are on bail had transpired from the statement of the co-accused. Accordingly, they cannot be said to stand on the same footing with the petitioner with regard to

the quality of evidence collected against them. Under such circumstances and in view of 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.)