

18.12.2023

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sdas
rejected

C.R.M.(NDPS) No. 1938 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1240 of 2022 dated 05.08.2022 under Sections 21(c)/29 of the NDPS Act read with Section 27(a) of the Drugs and Cosmetics Act.

And

In Re : Kalu Sekh @ Kalu Sk. petitioner

Mr. Avinaba Patra

....for the petitioner

Ms. Sreyashee Biswas

..... for the State

1. Learned Counsel for the petitioner submits he is not the owner of the house where from narcotics was recovered. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits 594 bottles of Phensedyl Syrup were recovered from a room which was occupied by the father of the petitioner. Statements of witnesses including that of his father show petitioner had used to reside in the room and had stored narcotics there.

3. We have considered the materials on record. Recovery of narcotics was made from a room occupied by the petitioner. Though petitioner was not present during raid 594 bottles of Phensedyl Syrup were recovered from his room. Statements of witnesses including that of his family members show he had stored narcotics in the room. 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.)