

21.12.2023
Sl. No.24
akd
[Rejected]

C. R. M. (NDPS) 2040 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.11.2023 in connection with Kaliachak Police Station Case No.402 of 2023 dated 31.03.2023 under Sections 188/307/353/34 of the Indian Penal Code, Sections 25/27 of the Arms Act and Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Uday Mandal***

... .. Petitioner

Mr. Amitabha Karmakar

... .. for the petitioner

Mr. Abhra Mukherjee

Ms. Mousumi Sarkar

... .. for the State

1. It is submitted on behalf of the petitioner that 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 BSF personnel has apprehended the petitioner with narcotics near the international border.
3. We have considered the materials on record. A large number of persons were smuggling narcotics across international border when BSF personnel intercepted. They fired and fled away. Statements of witnesses show petitioner was one of the miscreants who had fired and fled away. Subsequently, he had been arrested. In view of the aforesaid materials on record, daring act of the petitioner and the 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

