

10.01.2024
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rejected

C.R.M. (NDPS) No. 33 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baruipur Police Station Case No. 1212 of 2021 dated 14.07.2021 under Sections 21(c)/29 of the NDPS Act.

And
In Re : Arshed Ali petitioner

Mr. Tanmoy Biswas
....for the petitioner

Mr. Saryati Datta
..... for the State

1. Learned Counsel for the petitioner submits he was on bail earlier. He has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits trial court had granted bail to the petitioner without considering the restrictions under Section 37 of the NDPS Act. Accordingly, this Court in CRR 2543 of 2023 cancelled the bail. Petitioner and co-accused were involved in trafficking narcotics above commercial quantity.

3. We have considered the materials on record. Statements of witnesses and contemporaneous documents i.e. seizure memorandum show petitioner and co-accused were transporting narcotics i.e. 3 litres of codeine phosphate which is above commercial quantity on a bicycle. Earlier petitioner had been enlarged on bail by the trial court without considering the restrictions under Section 37 of the NDPS Act. As the order suffered from patent illegality this Court was pleased to set aside

the order in CRR 2543 of 2023. There are ample materials implicating the petitioner in the crime. 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.)