

19.02.2024.
33.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 330 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.53 of 2022 arising out of Hili P.S. Case No.163 of 2022 dated 11.07.2022 under Section 21(c)/23(c)/27A of the NDPS Act read with Sections 341/353/34 of the Indian Penal Code.

In the matter of : **Noor Nobi Mondal @ Nurnabi Mandal**
@ Nurnobir Mondal.

... Petitioner.

Mr. Koushik Chowdhury.

...for the Petitioner.

Mr. Iqbal Kabir.

...for the State.

1. Petitioner contends no narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner has criminal antecedents.
3. Petitioner and others were apprehend by the BSF personnel. Petitioner ran away from the spot. His presence at the place of occurrence is established through statements of BSF personnel who also suffered injuries in the skirmish. Independent witnesses corroborate the prosecution case.
4. 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.
5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)