

03.04.2024.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 576 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.81 of 2023 arising out of Dhubulia P.S. Case No.596 of 2023 dated 21.11.2023 under Sections 21(C)/25/29 of the NDPS Act.

In the matter of : **Samir Banik.**

... Petitioner.

Mr. S. S. Imam,
Mr. Bharat Bhushan,
Mr. Atindra Nath Misra.

...for the Petitioner.

Mr. Partha Pratim Das,
Mr. Habib Hasan.

...for the State.

1. Petitioner contends no narcotics was recovered from his possession. He was arrested at Malda Station and falsely implicated in the case. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner and others were part of a conspiracy to transport narcotics in a truck bearing No.WB 61 B 6957. On their disclosure statements the vehicle with a large consignment of phensedyl syrup was seized. Bail prayer of co-accused viz., Debanjan Saha @ Sagar @ Sahib has been turned down by this Court.

3. We have considered the materials on record. On the disclosure statement of petitioner and co-accused a truck bearing No. WB 61 B 6957 carrying 24,900 bottles of phensedyl syrup containing codeine phosphate above commercial quantity was seized.

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.)