

04.04.2024.
23.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 598 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.44 of 2023 arising out of Baduria P.S. Case No.20 of 2023 dated 28.06.2023 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Mohammad Ali Gazi.**

... Petitioner.

Mr. Subhabrata Chowdhury.

...for the Petitioner.

Mr. Sandip Chakraborty,
Ms. Kanchan Roy.

...for the State.

1. Petitioner is in custody for eight months. He submits he has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. STF personnel apprehended two accused on a motorcycle. 2 kgs. of heroin was recovered. On their statements complicity of the petitioner transpired. He was arrested and 500 gms. of heroin was recovered from his residence.
4. In view of the aforesaid circumstances showing complicity of the petitioner in dealing in narcotics above commercial quantity and in the light of statutory restrictions under Section 37 of the NDPS Act, we are of the opinion this is not a fit case to grant bail.

5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)