

02.05.2024
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 704 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.04.2024 in connection with Palashipara Police Station Case No.312 of 2023 dated 09.10.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.74 of 2023)

And

In Re: ***Sajidul Sk.***

... .. Petitioner

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Piyu Mondal

... .. for the petitioner

Md. Aammar Zaki
Ms. Madhumita Basak

... .. for the State

1. It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. It is further submitted petitioner has taken out proceeding before this court under Article 226 of the Constitution of India. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits recovery was videographed.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 508 gms. of *Heroin*, which is above commercial quantity from the petitioner. Incident was videographed. It is open to the petitioner to improbabilise the aforesaid evidence in course of trial.
4. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
5. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)