

24.04.2024.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 713 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.05 of 2023 arising out of Dankuni P.S. Case No.145 of 2023 dated 03.05.2023 under Sections 21(c)/27A/29 of the NDPS Act and charge sheet submitted under Sections 21(c)/27A/29 of the NDPS Act.

In the matter of : **Prasenjit Sarkar.**

... Petitioner.

Mrs. Jeenia Rudra.

...for the Petitioner.

Mr. Arijit Ganguly,
Syed Nafirul Islam.

...for the State.

1. Petitioner submits no Fake Indian Currency Notes (for short FICN) was recovered from his possession. He has been falsely implicated. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner and co-accused Nani Gopal Biswas were travelling together. They were carrying bags. From the bag of Nani Gopal Biswas, 1 kg of heroin was recovered. Petitioner was carrying FICN.

3. We have considered the materials on record. Petitioner and co-accused were travelling together. While Nani Gopal Biswas was carrying narcotics above commercial quantity and petitioner was carrying FICN. Facts and circumstances leading to the apprehension of petitioner and co-accused show sharing of common intention between themselves in dealing in narcotics above commercial quantity.

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.)