

09.05.2024

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rejected

C.R.M.(NDPS) No. 781 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhubulia Police Station Case No. 458 of 2023 dated 17.09.2023 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re : Prakash Ray @ Prakash Roy Petitioner

Mr. Debarshi Brahma

....for the petitioner

Mr. Iqbal Kabir

Ms. Diksha Ghosh

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 230 days. It is also submitted he has been falsely implicated. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. Statements of witnesses and contemporaneous documents show recovery of 26 kgs. of Ganja which is above commercial quantity from the petitioner.

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. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)