

09.05.2024
Sl. No.18
akd
[Rejected]

C. R. M. (NDPS) 790 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.04.2024 in connection with Balurghat Police Station Case No.260 of 2023 dated 05.04.2023 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act. (NDPS Case No.34 of 2023)

And

In Re: ***Mina Barman***

... .. Petitioner

Mr. Kaushik Choudhury

... .. for the petitioner

Mr. Imran Ali

Ms. Srilekha Chattopadhyay

... .. for the State

1. It is submitted on behalf of the petitioner that no narcotics was recovered from her possession. It is further submitted petitioner has been falsely implicated after nine months. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was carrying 246 vials of *Buprenorphine* in a bag. Seeing BSF personnel, she threw the bag and ran away.
3. We have considered the materials on record. Statements of witnesses show petitioner was carrying narcotics in a bag. Seeing BSF personnel she threw the bag and fled away. Narcotics was recovered from the spot. Thereafter she was arrested. These circumstances show petitioner was dealing in narcotics above commercial quantity near the international border. 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.

4. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)