

13.
25-06-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 957 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Serampore Police Station Case No.399 of 2023 dated 04-09-2023 under Sections 8(C)/21(C)/25/29 of the NDPS Act.

- A n d -

In the matter of : Amaresh Kumar Das & Anr.

.... Petitioners.

Mr. Amitabha Karmakar

... For the Petitioners.

Ms. Sujata Das,
Mr. Debanik Das

... For the State.

Learned advocate for the petitioners, on instructions, says that he is not pressing the application for bail insofar as the petitioner no.1 is concerned, i.e., Amaresh Kumar Das. Accordingly, the bail petition in respect of the petitioner no.1 is dismissed as “not pressed”.

Insofar as the petitioner no.2 is concerned, it is submitted that he is in custody for nine months. Charge sheet has been submitted. There is no need to detain him any further.

Learned advocate for the State opposes the prayer for bail. She points out from the seizure list that these persons were present at the place from where 4794 bottles of phensedyl syrup were seized. This petitioner was also present at that spot. Although this petitioner is claiming to be a mere labourer, there is nothing in the Case Diary to indicate so.

Having considered the material on record which indicates *prima facie* involvement of this petitioner in the alleged crime and in view of the restriction in Section 37 of the NDPS Act, we are not inclined to allow this application

insofar as the petitioner no.2 is concerned. We also notice that a co-accused, who appears to be standing on the same footing as this petitioner, had applied for bail. Such prayer was rejected by a coordinate Bench by an order dated February 23, 2024 passed in CRM (NDPS) 361 of 2024.

The application for bail being CRM (NDPS) 957 of 2024 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)