

07.02.2024.
05.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 2034 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.29 of 2023 arising out of Hili P.S. Case No.63 of 2023 dated 23.03.2023 under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act.

In the matter of : **Biman Sarkar & Anr.**

... Petitioners.

Mr. Anirban Guhathakurta,
Mr. Sujan Chatterjee,
Mr. S. Sinha.

...for the Petitioners.

Mr. Suman De.

...for the State.

1. Report with regard to further investigation is placed on record.
2. Learned Advocate for the petitioners submits no narcotics was recovered from their possession. They have been falsely implicated. Accordingly, they pray for bail.
3. Learned Advocate for the State opposes the bail prayer. He contends statements of witnesses were reported in the course of further investigation which disclose the complicity of the petitioners.
4. We have considered the materials on record. Statement of one Pulak Biswas shows petitioner No.2 and one Ankit Gupta had kept narcotics at the residence of Doli Barman. Narcotics above commercial quantity was recovered from the residence of the said Doli Barman. Witness also

stated the contraband was supposed to be transmitted to the residence of petitioner no.1 whose house is adjoining the international border. His version is also corroborated by one Mistun Kha @ Munna. These materials *prima facie* show involvement of petitioners in smuggling narcotics across international border.

5. 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 petitioners.

6. Accordingly, the prayer for bail of the petitioners is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)