

03.01.2024

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rejected

C.R.M.(NDPS) No. 2082 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanditala Police Station Case No. 58 of 2023 dated 24.01.2023 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Chandra Sekhar Sahani & Anr. petitioners

Mr. Jayanta Kumar Datta

Mr. S. S. Banik

... for the petitioners

Mr. Debasish Roy, learned PP

Ms. Rituparna De Ghosh

... for the State

1. Learned Counsel for the petitioners submits they are in custody for 345 days. It is also submitted that they have been falsely implicated. Accordingly, they pray for bail.

2. Learned Public Prosecutor opposes the prayer for bail and submits charge has been framed and date has been fixed for recording evidence.

3. We have considered the materials on record. 107.465 Kgs. of Ganja was recovered from two vehicles. Petitioners and co-accused were present in the vehicles. These materials prima facie disclose trafficking narcotics above commercial quantity. Date has been fixed for recording evidence. 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.

4. The application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)