

03.01.2024

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rejected

C.R.M.(NDPS) No. 2085 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1206 of 2023 dated 08.09.2023 under Sections 21(c)/27A/29 of the NDPS Act read with Sections 186/307/332/333/34/341/353/379 of the Indian Penal Code.

And

In Re : Salam Sk. & Anr. petitioners

Mr. Mrityunjoy Chatterjee

Mr. Debapriya Majumder

... for the petitioners

Mr. Ranadeb Sengupta

... for the State

1. Learned Counsel for the petitioners submits no narcotics was recovered from the possession of the petitioners. It is also submitted that they have been falsely implicated. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits co-accused were carrying narcotics in an e-rickshaw. When police personnel intervened petitioners had assaulted police personnel and taken away the co-accused.

3. We have considered the materials on record. Statements of the witnesses who were present at the spot identified the petitioners interfering in the course of a raid to recover narcotics. This discloses prima facie involvement of the petitioners in dealing in narcotics and obstructing public servants in discharge of duty. 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.)