

04.01.2024
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rejected

C.R.M.(NDPS) No. 2094 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No. 163 of 2023 dated 06.05.2023 under Section 21(c) of the NDPS Act.

And

In Re : Dipankar Sarkar @ Dobil petitioner

Mrs. Karabi Roy

....for the petitioner

Mr. Avishek Sinha

... for the State

1. Learned Counsel for the petitioner submits he is in custody for 239 days. He is no way involved in dealing in narcotics. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner was present at the spot wherefrom narcotics was recovered.

3. We have considered the materials on record. 49 bottles of Cough Syrup containing Codeine Phosphate was recovered from a scooty belonging to the petitioner. Scooty was parked inside the courtyard of co-accused, Swapan Biswas who is absconding. Petitioner was present at the spot. 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 petitioner.

4. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)