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08.01.2024.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 14 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.01 of 2023 arising out of Baishnabnagar P.S. Case No.02 of 2023 dated 01.01.2023 under Sections 21(C)/25/29 of the NDPS Act.

In the matter of : **Sariul Sk.**

... Petitioner.

Mr. Sovan Dasgupta.

...for the Petitioner.

Mr. Angshuman Chakraborty.

...for the State.

1. Petitioner contends he is in no way connected with the transportation of narcotics. Co-accused is on bail. He is in custody for more than a year. Accordingly, he prays for bail.

2. Learned Advocate for State opposes the bail prayer. He contends narcotics was recovered from the possession of the petitioner. Date has been fixed for consideration of charge.

3. We have considered the materials on record. 100 bottles of phensedyl cough syrup were recovered from a Mahindra Pickup van. Petitioner was driver of the said vehicle. No recovery was made from possession of co-accused who is on bail. Hence, petitioner can not claim parity with the said co-accused. Date has been fixed for consideration of charge.

4. 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.

5. Accordingly, the prayer for bail of the petitioner is rejected.

6. Trial Court is directed to consider the issue for framing of charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)