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CRM 9982 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tapan P.S. Case No.58 of 2020 dated 16.02.2020 under Sections 21(c)/22(c)/23(c)25/27A of the NDPS Act.

And

In the matter of: Motiur Rahaman

....Petitioner.

Mr. B. Manna

...for the Petitioner.

Mr. Ranabir Roy Chowdhury

Mr. M. Gupta

...for the State.

It is submitted on behalf of the petitioner that there is no independent witness. He is in custody for 295 days. Investigation is complete.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Seizure of narcotics which is supported by contemporaneous documentation signed by the petitioner and official witness. Absence of independent witnesses is to be assessed in the aforesaid factual drop in the course of trial. Keeping in mind the overwhelming volume of narcotic substance, which is above commercial quantity seized from the petitioner and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)