

07.06.2022
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 506 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.05.2022 in connection with Domkal Police Station Case No. 424 of 2021 dated 17.07.2021 under Section 21(c) of the NDPS Act. (NDPS Case No.143 of 2021)

And

In Re: ***Sankar Goyala***

... .. Petitioner

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Chowdhury

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner he is in custody for about 304 days. It is further submitted the alleged recovery of narcotic substance above commercial quantity is improbable as no independent witness had joined the search.

Learned advocate appearing for the State opposes the prayer for bail and submits narcotic substance above commercial quantity i.e. 102 bottles of *codeine mixture* was recovered from the possession of the petitioner.

We have considered the materials on record. Statements of the seizing officers and contemporaneous documents namely, seizure list, arrest memo etc., inter alia, shows recovery of narcotic substance above commercial quantity from the possession of the petitioner. Non-joining of independent witness by itself is not a ground to throw out the other cogent materials on record relating to recovery. Under such circumstances, we are of the opinion there are ample materials showing recovery of narcotic substance above commercial quantity from the

possession of the petitioner and in view of the aforesaid fact and the statutory restrictions under Section 37 of the NDPS Act, we are of the opinion this is not a fit case to grant bail to the petitioner.

The application for bail is thus **rejected**.

We are informed that the matter has been fixed for recording evidence. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferable within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)