

07.06.2022.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 512 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with C. Case No.16 of 2021 arising out of Khayrasole P. S. Case No.103 of 2021 dated 27.11.2021 under Sections 20(b)/29 of the N. D. P. S. Act and charge sheet submitted under Sections 20(b)(ii)(c)/29(1) of the N. D. P. S.

In the matter of : Biswanath Mondal.

... Petitioner.

Mr. Somsubhra Ganguly,
Mr. Abhishek Chakraborty.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner 6.2 kgs. of ganja was recovered from his possession. He is in custody for 117 days. He may be granted bail.

Learned Advocate appearing for the State opposes the prayer for bail. He submits petitioner was in conspiracy with co-accuseds and they were dealing in large quantities of ganja. Over 300 kgs. of ganja was recovered from the possession of co-accused viz., Nemaï Mondal. From the statement of another accused name of the petitioner transpired and 6.2 kgs. of ganja was recovered from his residence.

We have considered the materials on record which show intimate association between the petitioner and the co-

accuseds who were dealing in narcotics. Cumulative recovery from all the accused persons including the petitioner exceed the commercial quantity.

Under such circumstances and in the light of the statutory restrictions under Section 37 of the N. D. P. S. Act, we are of the opinion that this is not a fit case to grant bail to the petitioner.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)