

23.06.2022.
11.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 646 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with T.R.(NDPS) Case No.11 of 2021 arising out of Kolaghat P.S. Case No.430 of 2021 dated 23.10.2021 under Sections 22/24/25/27A/29 of the N. D. P. S. Act.

In the matter of : Sarat Naik & Ors.

... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioners.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioners were arrested on 23rd October, 2021. Police report has been filed on the 180th day – calculating the period of detention by subtracting the first day of remand of the petitioner.

In view of the aforesaid, we are of the opinion petitioners were not entitled to be released on statutory bail.

On merits, statements of witnesses and contemporaneous document show recovery of narcotic substance above commercial quantity i.e. 79.4 kgs. of ganja from the joint possession of the petitioners.

Under such circumstances and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)