

08.08.2022
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 899 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.08.2022 in connection with Gazole Police Station Case No. 233 of 2022 dated 28.03.2022 under Sections 20(b)(ii)/29 of the NDPS Act. (NDPS Case No.50 of 2022)

And

In Re: ***Narayan Mandal***

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Kusal Kr. Mukherjee
Ms. Suchismita Dutta

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that recovery was not supported by independent witnesses.

Learned advocate appearing for the State opposes the prayer for bail and submits 22 kgs. of *Ganja*, which is above commercial quantity was recovered from a tea stall owned by the petitioner.

We have considered the materials on record. Statements of official witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance above commercial quantity. It is not an axiomatic proposition of law that version of official witnesses is to be *per se* disbelieved. Non-joining of independent witnesses requires to be thrashed out in the light of the attending circumstances during trial. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

