

18.08.2022
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 935 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.07.2022 in connection with Ultadanga Excise Case No. SI/SL No.01/B/2021-22 dated 01.09.2021 under Sections 8(c)/20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: **Chandan Das**

... .. Petitioner

Mr. Jayanta Narayan Chatterjee
Ms. Ritusree Banerjee

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner quantity of narcotic substance i.e. *Ganja* recovered from his possession is below commercial quantity.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner and co-accused entered into conspiracy to traffic narcotic substance. Total recovery from all the accused persons is to the tune of 24.3 kgs. of *Ganja*, which is above commercial quantity. Prayer for bail of co-accused was rejected earlier.

We have considered the materials on record. Statements of witnesses and other contemporaneous documents show recoveries were made from the petitioner and co-accuseds on various dates. Total recovery of narcotic substance i.e. 24.3 kgs. of *Ganja* from all the accuseds including the petitioner is above commercial quantity. Petitioner and co-accuseds have been charged with conspiracy and, therefore, the accusation cannot be scaled down with reference to recovery from each accused. Statements of police officers corroborate each other with regard to recovery of narcotic substance from the

petitioner and co-accuseds. In the light of the aforesaid incriminating materials and 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**.

Computer Filing Section shall submit report why order dated 22.07.2022 in CRM (NDPS) No.814 of 2022 has not been placed before this court along with the main file.

Let the matter appear under the same heading on **29.08.2022**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)