

18.08.2022
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 936 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.08.2022 in connection with Shibpur Police Station Case No. 406 of 2021 dated 19.11.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Gulam Ghous @ Saheb***

... .. Petitioner

Mr. Anil Kumar Chattopadhyaya

... .. for the petitioner

Mr. Sanjay Bardhan

Ms. Baisakhi Chatterjee

... .. for the State

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 1.4 ltrs. of *codeine mixture*, which is above commercial quantity from the joint possession of the petitioner and co-accused. Authority cited by the learned advocate for the petitioner is misplaced. Petitioner and co-accused had acted in concert with one another and, therefore, total quantity of narcotic substance recovered from their joint possession is to be taken into consideration. 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.)

