

07.09.2022
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1016 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.09.2022 in connection with Bizpur Police Station Case No. 583 of 2021 dated 22.11.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.102 of 2021)

And

In Re: ***Munna Prasad @ Munna Bhagat & Anr.***

... .. Petitioners

Mr. Dipankar Guha
Mr. S. D. Roy

... .. for the petitioners

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 270 days. It is further submitted recovery was not supported by independent witnesses.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statements of official witnesses and seizure memo prima facie establish recovery of narcotic substance i.e. 5 kgs. of *codeine mixture*, which is above commercial quantity from the joint possession of the petitioners. Non-joining of independent witnesses *per se* does not invalidate recovery. Its impact has to be seen in the light of the evidence led during trial. In view of the aforesaid fact and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

