

21.09.2022
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1065 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2022 in connection with Coke-Oven Police Station Case No. 213 of 2021 dated 01.12.2021 under Section 20(b)(ii)(c) of the NDPS Act.

And

In Re: ***Abhijit Sarkar @ Jhantu***

... .. Petitioner

Mr. Tirupati Mukherjee

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he is suffering from pancreatitis. He prays for bail on the ground of health.

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

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 31.5 kgs. of *Ganja*, which is above commercial quantity from the possession of the petitioner. In view of the aforesaid incriminating materials and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner on merits.

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

With regard to the health condition of the petitioner, we have perused the medical documents. Nothing alarming transpires from the said documents. Under such circumstances, we are also not inclined to grant bail to the petitioner on the score of poor health.

We however, observe petitioner shall be under constant medical supervision and he shall be provided necessary medical attention as and when necessary. He shall be at liberty to renew his prayer for bail on the ground of ill-health if in future his health condition deteriorates endangering his life.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)