

22.09.2022
Sl. No.2
akd
[Rejected]

C. R. M. (NDPS) 1069 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2022 in connection with Jalangi Police Station Case No. 33 of 2022 dated 28.01.2022 under Sections 20(c)/29 of the NDPS Act. (NDPS Case No.37 of 2022)

And

In Re: ***Barjahan Sk.***

... .. Petitioner

Md. Sabir Ahmed
Mr. Abdur Rakib

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 234 days. It is further submitted recovery is 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 witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 80 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the possession of the petitioner. There is no axiomatic proposition of law that the version of official witnesses are not to be believed. Reason for non-joining of independent witnesses during search may be explained during trial.

In view of the aforesaid incriminating materials on record and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)