

31.10.2022
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 1278 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.10.2022 in connection with Barrackpore Excise Division Seizure List No.8 of 2021 dated 27.07.2021 under Sections 8(c)/20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Rabi Shaw***

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than one year. It is further submitted quantity of narcotic substance recovered from his possession was below commercial quantity.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner and co-accused acted in concert with one another and the total recovery is above commercial quantity.

We have considered the materials on record. Petitioner was apprehended and upon search 192 gms. of *Ganja* was recovered. No doubt the quantity of narcotic is within small category. However, on his leading statement, 30 kgs. of *Ganja*, which is above commercial quantity, was recovered from the godown of the co-accused. The aforesaid incriminating circumstance prima facie establishes concert and collusion between the accused persons in dealing with narcotic substance above commercial quantity.

Under such circumstances, we are not inclined to grant bail to the petitioner.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)