

08.12.2022
sdas/tkm/ct 28
sl no.7

C.R.M. (NDPS) 1451 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 741 of 2022 dated 5.6.2022 under Sections 22(c)/29 of the NDPS Act

And

In Re : Minarul Khan petitioner

Mr. Anit Dey

..... for the petitioner

Mr. S Bardhan

Mr. Palash Ch Majhi

..... for the State

Learned lawyer for the petitioner submits recovery is not supported by eye-witnesses.

Learned lawyer for the State opposes the prayer for bail and submits official witnesses and contemporaneous documents i.e seizure memo show recovery of narcotics from the petitioner above commercial quantity.

We have considered the materials on record. Non-joining of independent witnesses requires to be assessed in the light of the aforesaid materials on record.

Under such circumstances and in view of the statutory restrictions under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Siddhartha Roy Chowdhury, J.)

(Joymalya Bagchi, J.)