

19.12.2022

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rejected

C.R.M. (NDPS) No. 1501 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with STF Police Station Case No. 02 of 2022 dated 18.01.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Sk. Jamir @ Gora @ Sekh Jamir petitioner

Ms. Busra Khatoon

... for the petitioner

Mr. Ranadeb Sengupta

... for the State

Learned Counsel for the petitioner submits narcotic substance allegedly recovered from the possession of the petitioner is not above commercial quantity. It is further submitted recovery from the co-accused is independent from the alleged recovery made from him. Hence, it cannot be said petitioner and co-accused acted in concert with one after another to transport narcotic substance above commercial quantity. Accordingly, he prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner and co-accused were apprehended at the spot. Total recovery from them is to the tune of 1.992 kgs. of Charas. Seizure lists were prepared one after another which explains the time gap noted in the two seizure lists.

We have considered the materials on record. Petitioner and co-accused were apprehended at the same spot. Recoveries

were made from them and seizure lists were prepared in respect of each of the recoveries one after another. As a result, there was a time gap in the preparation of seizure lists. This would not militate against the prosecution case of pre-concert between the petitioner and co-accused and conjoint recovery from them.

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.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)