

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

23.09.2022.
01.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 322 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhupguri P.S. Case No.390 of 2022 dated 01.07.2022 under Section 20(b)(ii)(c) of the NDPS Act.

In the matter of : Pradip Adhikari.

... Petitioner.

Ms. Jeenia Rudra.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Ujjwal Luksom,
Mr. Sourav Ganguly,
Mr. Biswarup Roy.

...for the State.

Petitioner is in custody for 42 days. He submits narcotic substance allegedly recovered from his house is below commercial quantity. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits raid was conducted from the house of the petitioner and his brother. Total quantity recovered from both the houses is to the tune of 32.27 kgs. of ganja which is above commercial quantity.

We have considered the materials on record. Recovery was affected from the houses of the petitioner and his brother. Though the recovery from the house of the petitioner is 18.764 kgs. of ganja which is below commercial quantity, total recovery from the houses of both the accuseds are over 32 kgs.

of ganja which is above commercial quantity. Petitioner and co-accused are related with one another. Materials on record prima facie give an impression that the accused persons acted in concert and, therefore, total quantity of narcotic substance ought to be taken into consideration to determine their culpability.

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

Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)