

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

20.12.2022.
01.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 437 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.126 of 2021 arising out of Birpara P.S. Case No.220 of 2021 dated 18.12.2021 under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : Md. Jiaul Ansari & Anr. ... Petitioners.

Ms. Madhushri Dutta.

...for the Petitioners.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,

Mr. Aniruddha Biswas.

...for the State.

Petitioners are in custody for one year. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotic substance above commercial quantity i.e. 21.500 kgs. of ganga from the possession of the petitioner and co-accused.

Under such circumstances and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)