

11.01.2023

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rejected

C.R.M. (NDPS) No. 30 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar Police Station Case No. 193 of 2022 dated 22.05.2022 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

And

In Re : Hafeza Khatun Bibi petitioner

Mr. Rajib Kumar Acharyya

Mr. B. B. Maity

Mr. S. Chakraborty

... for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

... for the State

Learned Counsel for the petitioner submits he is in custody for eight months. It is also submitted that 5 kgs. of Ganja (which is below commercial quantity) was recovered from him. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits 23.7kgs. of Ganja was seized from the joint possession of the petitioner and co-accuseds.

We have considered the materials on record. Total quantity of Ganja recovered from the petitioner and co-accuseds is above commercial quantity. Circumstances in which the recovery was made gives an impression that the petitioner and co-accuseds were acting in collusion with one another.

Under such circumstances and in view of 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.)