

18.01.2023
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 70 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.01.2023 in connection with NDPS STF Case No.22 of 2022 dated 26.05.2022 under Sections 22(c)(b)/29 of the NDPS Act.

And

In Re: ***Daneswar Jha @ Sonu***

... .. Petitioner

Mr. Manjit Singh
Md. Zeeshanuddin
Ms. Amrin Khatoon

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about eight months. It is further submitted independent witnesses to the seizure had come to the place of occurrence subsequently.

Learned Advocate for the State opposes the prayer for bail and submits in course of raid, total 17 gms. of *MDMA* was recovered in all from the petitioner and co-accused. Search and recovery continued for sometime. In course of search, independent witnesses joined and signed on the seizure list.

We have considered the materials on record. Total quantity of *MDMA* seized from the petitioner and co-accused is above commercial quantity. Raid continued for sometime and independent witnesses joined the recovery proceedings in the midst. Moreover, inconsistencies in the matter of recovery is a question of fact which has to be improbabilised during trial.

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.)