

03.02.2023

11
sdas
rejected

C.R.M. (NDPS) No. 168 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Lake Town Police Station Case No. 326 of 2021 dated 14.12.2021 under Section 21(c) of the NDPS Act.

And

In Re : Sougata Mondal alias Kalu alias Subrata petitioner

Mr. Angshuman 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 410 days. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits delay is due to abscondence of co-accuseds.

We have considered the materials on record. Statements of the witnesses and contemporaneous document i.e. seizure memorandum show recovery of 1135 kgs. of Ganja from the joint possession of the petitioner and other accuseds.

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.)

