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rejected

C.R.M. (NDPS) No. 211 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Maidan Police Station Case No. 59 of 2022 dated 29.06.2022 under Sections 20(b)(ii)(c )/29 of the NDPS Act.

And

In Re : Bharat Roy ..... petitioner

Md. Zeedhan Uddin

... for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Arijit Ganguly

Mr. Bibaswan Bhattacharya

... for the State

Learned Counsel for the petitioner submits 4.1 kgs of Ganja was recovered from the possession of the petitioner. Amount of narcotics is below commercial quantity. Hence he may be enlarged on bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is involved in transporting narcotics above commercial quantity in the vehicle of the petitioner. 103 kgs. Ganja was being transported in the vehicle. Pursuant to the disclosure statement of the co-accused, further recovery was made from the petitioner.

We have considered the materials on record. Vehicle of the petitioner was used to transport 103 kgs. of Ganja. Thereafter, 4.1 kgs. of Ganja was recovered from his possession. In view of the aforesaid incriminating materials it cannot be said

that the petitioner is involved in possession of intermediate quantity only.

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.)**