

16.02.2023
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rejected

C.R.M. (NDPS) No. 268 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amdanga Police Station Case No. 599 dated 24.11.2021 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In Re : Subhas Roy @ Natto petitioner

Mr. Kamalesh Chandra Saha
... for the petitioner

Mr. Swapan Banerjee
Mr. Suman De
... for the State

Learned Counsel for the petitioner submits he is in custody for 500 days. It is also submitted that there is no independent witness to the seizure. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the witnesses and seizure memorandum show recovery of 201kgs. of ganja from a vehicle. Petitioner was present in the vehicle. These materials prima facie establish the ingredients of the offence against the petitioner. Trial has already commenced. 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.)

