

23.02.2023.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 287 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domjur P. S. Case No.486 of 2022 dated 07.06.2022 under Sections 20(b)(ii)C/25/29 of the NDPS Act.

In the matter of : Mamoon Sekh @ Sk. Jakir Hossain & Anr.
... Petitioners.

Mr. Santanu Chatterjee,
Mr. Rajendra Kr. Nandi.
...for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharya.
...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 121.395 kgs. of ganja from a vehicle. It is contended the petitioners did not have conscious possession of the ganja. Materials on record show that they were inside the vehicle when the narcotics was recovered. Hence, they had physical custody of the ganja in question.

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 petitioners.

Accordingly, the prayer for bail of the petitioners is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)