

20.02.2023.  
18.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (NDPS) 309 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 254 of 2021 arising out of Berhampore P.S. Case No.1310 of 2021 dated 11.11.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Subham Roy @ Ray & Anr.  
... Petitioners.

Mr. Anisur Rahman.  
...for the Petitioners.  
Mr. Sudip Ghosh,  
Mr. Apurba Kr. Datta.  
...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 narcotic substance i.e. 130 kgs. of ganja from a vehicle. Petitioners were present in the vehicle and had control and dominion over the contraband.

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 petitioners.

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

Chemical report be filed before the trial court at the earliest.

**(Ajay Kumar Gupta,J.)**

**(Joymalya Bagchi, J.)**