

24.02.2023.
13.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 345 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 99 of 2022 arising out of Berhampore P.S. Case No.491 of 2022 dated 17.04.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Mohibul Sk. ... Petitioner.

Mr. Arnab Chatterjee,
Ms. Chandrima Debnath.

...for the Petitioner.

Mr. Sanjoy Barchan,
Mr. Palash Ch. Majhi.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. 20,000 Yaba tablets weighing about 2 kgs. were recovered from the petitioner. It is contended independent witnesses to the seizure are pocket witnesses. Recovery is supported by statements of official witnesses as well as seizure memorandum. Credibility of independent witnesses requires to be assessed in the light of the incriminating materials.

Under such circumstances and in view of statutory restriction under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)