

01.05.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 894 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.04.2023 in connection with T.R. No. 12/2022 arising out of NCB Crime No.10/NCB/KOL/2022.

And

In Re: ***Mantu Pal***

... .. Petitioner

Ms. Anasuya Sinha

... .. for the petitioner

It is submitted on behalf of the petitioner that he is in custody for more than 400 days. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

Nobody appears on behalf of the NCB.

We have considered the materials on record. Narcotic substance above commercial quantity i.e. 400 kgs. of *Ganja* was recovered from the petitioner. Complicity of the co-accused arose on the basis of the statements recorded under Section 67 of the NDPS Act. The said statements are inadmissible in view of ***Tofan Singh vs. State of Tamil Nadu***¹. Accordingly, they were released on bail. Petitioner does not stand on the same footing with the said co-accused. Keeping in mind the aforesaid fact and 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.)

¹ (2021) 4 SCC 1

