

08.05.2023.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 931 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Bagnan P.S. Case No.36 of 2022 dated 29.01.2022 under Sections 20(b)(c) of the NDPS Act.

In the matter of : Sk. Azad @ Antu.

... Petitioner.

Mr. Arindam Jana,
Sk. Toslim Ali,
Ms. Saba Parween.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioner is in custody for more than one year. Though seizure occurred in a public place during evening, no independent witness to the seizure has been cited in the charge sheet. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of seizing officers and seizure memorandum show recovery of 25 kgs. of ganja above commercial quantity from petitioner and two co-accused. Impact of absence of independent persons to the seizure requires to be assessed during trial.

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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)