

06.07.2023

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rejected

C.R.M.(NDPS) No. 1143 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Purbasthali Police Station Case No. 32 of 2022 dated 30.01.2022 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re : Khwairak Pam Bungba Singh @ Khwairak Pam Bungba Singh petitioner

Mr. Kajal Mukherjee
Mr. Bikash Chakraborty
....for the petitioner

Mr. S. G. Mukherjee, learned PP
Mr. Sandip Chakraborty
Mr. Ranadeb Sengupta
..... for the State

Heard the learned Counsel for the parties.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 824 Kgs. of Ganja from the joint possession of the petitioner and the co-accused. Delay in the matter is at the behest of the abscondene of co-accused and cannot be attributed to the prosecution.

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.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)