

14.08.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1389 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.07.2023 in connection with Bongaon Police Station Case No.825 of 2022 dated 06.08.2022 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re: ***Apu Chakraborty***

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 534 gms. of *morphine*, which is above commercial quantity from the joint possession of the petitioner and co-accused. Delay in the matter is due to abscondence of co-accused. 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 petitioner.
3. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)