

17.08.2023

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rejected

C.R.M.(NDPS) No. 1407 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhatar Police Station Case No. 179 of 2023 dated 06.05.2023 under Sections 20(b)(ii)(c)/21(c)/29 of the NDPS Act.

And

In Re : Sanjib Singh .... petitioner

Mr. Ayan Basu  
Mr. Sourav Bera  
Mr. Sumit Routh

....for the petitioner

Mr. Sanjoy Bardhan  
Mr. Palash Chandra Majhi

..... for the State

1. Learned Counsel for the petitioner submits recovery was to the tune of 11.2 kgs. of Ganja from the vehicle which was occupied by him. Quantity of narcotics is below commercial quantity. Hence he may be enlarged on bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner and co-accused were travelling in two vehicles. Total recovery from both the vehicles was 21.64 kgs. of Ganja which is above commercial quantity.

3. We have considered the materials on record. Raiding party intercepted two vehicles. From the vehicles total recovery was to the tune of 21.64kgs. of Ganja which is above commercial quantity. Circumstances in which the petitioner and co-accused were apprehended in two vehicles travelling together gives rise to an impression of commonality of interest to transport

narcotics above commercial quantity. Investigation is still in progress.

4. 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.

5. The application for bail is, thus, rejected.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**