

19.09.2023
Sl. No.15
akd
[Rejected]

C. R. M. (NDPS) 1545 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2023 in connection with Pandaveswar Police Station Case No.59 of 2022 dated 13.05.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.12 of 2022)

And

In Re: ***Kamal Sarkar & Anr.***

... .. Petitioners

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit

... .. for the petitioners

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about one year and four months. It is further submitted there is delay in trial. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits charge has been framed. One witness has been examined in part.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 40.9 kgs. of *Ganja*, which is above commercial quantity from the joint possession of the petitioners. 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 petitioners.
4. The application for bail is thus rejected.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)

