

20.09.2023
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 1551 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Jalangi Police Station Case No.364 of 2022 dated 22.11.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Mijanur Islam & Ors.***

... .. Petitioners

Mr. Tanmoy Biswas

... .. for the petitioners

Mr. Antarikhya Basu

... .. 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. 29.825 kgs. of *Ganja*, which is above commercial quantity from the joint possession of the petitioners. They do not stand on the same footing with co-accused who has been enlarged on bail. No narcotics was recovered from the said co-accused. Keeping in mind the aforesaid facts and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.
3. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)