

18.12.2023
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 1769 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.10.2023 in connection with Basirhat Police Station Case No.269 of 2023 dated 30.04.2023 under Section 21(c) of the NDPS Act.

And

In Re: **Loknath Chowdhury @ Sona**

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Arijit Ganguly
Ms. Jonaki Das

... .. 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 above commercial quantity from the petitioner. Absence of independent witnesses *per se* would not render the seizure illegal. Such issue requires to be thrashed out in course of trial. 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.)