

29.12.2023.

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MNS/mb.

C.R.M.(NDPS) 2101 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.12.2023 in connection with New Barrackpore Police Station Case No. 101 of 2022 dated 07.04.2022 under Sections 20(b)(ii)(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Balai Roy ... petitioner

Mr. Arnab Chatterjee ...For the petitioner

Mr. Arijit Ganguly,
Ms. Sujata Das ..For the State

1. The learned counsel appearing for the petitioner submits that 20 kilograms and 600 grams ganja has been recovered from the possession of the petitioner and the signature of his wife on the seizure list has been taken by force on a blank paper. He further submits that the premises, wherefrom the recovery was made, do not belong to the petitioner. On such ground, the petitioner prays for bail.
2. Learned Additional Public Prosecutor appearing for the State opposes the prayer for bail of the petitioner and submits that recovery was made from the house of the petitioner and it is reflected from the statements of the independent witnesses and also from the statement of the wife of the petitioner. He further submits that the contraband substance recovered from the house of the petitioner is of commercial quantity.

3. Perused the Case Dairy.
4. After considering the statement of the witnesses it reveals that there is incriminating facts against the petitioner and also considering the quantity of the substance recovered from the house of the petitioner and further considering the provisions laid under Section 37 of the NDPS Act, the prayer for bail of the petitioner is rejected at this stage.

(Hiranmay Bhattacharyya, J)

(Supratim Bhattacharya, J.)