

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

27.02.2023
39.
as
(Rejected)

C.R.M. (NDPS) 169 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CR (NDPS) Case No. 08 of 2022 arising out of Pradhan Nagar P.S. Case No.24 of 2022 dated 06.01.2022 under Section 21(C)/22(C) of the NDPS Act.

In the matter of : Sanjib Kamti @ Sanjeeet Kumar Kamti @
Sanjeev Kanti.

... Petitioner.

Mr. Sudhindra Das.

...for the Petitioner.

Mr. Nilay Chakraborty,
Mr. Aniruddha Biswas.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Statements of witnesses and contemporaneous documents i.e. seizure memorandum show recovery of 38 bottles of cough syrup containing codeine mixture from the scooty of the petitioner. It is contended recovery was not in presence of independent witnesses. Grant of non-joining of independent witnesses requires to be considered during trial. However, there are other materials support recovery from the vehicle of the petitioner.

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.

Accordingly, the prayer for bail of the petitioner is rejected.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)