

07.03.2024

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sdas
rejected

C.R.M.(NDPS) No. 449 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 96 of 2023 dated 28.01.2023 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re : Chaitanya Mandal petitioner

Ms. Minoti Gomes
Mr. Moinak Ghosh
Ms. Dona Sanyal

....for the petitioner

Ms. Debjani Sahu

..... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record.

Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 11.590 kgs. of Ganja which is above commercial quantity from the possession of the petitioner. He does not stand on the same footing with co-accused who are on anticipatory bail since no recovery was made from them. 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.

3. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

