

04.04.2024.
19.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 594 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.07 of 2023 arising out of Bandel GRPS Case No.20 of 2023 dated 11.08.2023 under Section 20(b)(ii)(c) of the NDPS Act.

In the matter of : **Sonu Kumar Sah.**

... Petitioner.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra.

...for the Petitioner.

Mr. Suman De,
Mr. Saptarshi Chakraborty.

...for the State.

1. Petitioner submits 9.27 kgs. of ganja was recovered from his possession which is below commercial quantity. He is in custody for about eight months. Investigation is complete. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner and two others were travelling together. They were apprehended at the railway station and three bags containing ganja were recovered from them. Total quantity recovered is 28.041 kgs. of ganja which is above commercial quantity.

3. We have considered the materials on record. Statements of witnesses show petitioner and two persons were sitting together in a railway station. They were carrying three bags. Police apprehended them and seized the bags. Total quantity of narcotics recovered is 28.041 kgs. of ganja.

4. In this factual backdrop, we are of the view petitioner and co-accused acted in concert and were transporting 28.041 kgs. of ganja which is above commercial quantity.

5. In view of the aforesaid circumstances and as the total quantity of narcotics recovered is above commercial quantity attracting restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)