

05.01.2024

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rejected

C.R.M.(NDPS) No. 2014 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 15/NCB/KOL/2022 dated 13.05.2022 under Sections 8(c) read with Section 20(b)(ii)(c) of the NDPS Act.

And

In Re : Nimai Biswas petitioner

Mr. Kalyan Bhattacharjee

Mr. Bibekananda Sinha

Ms. Shahina Khatun

....for the petitioner

Mr. Arun Kumar Mohanty

Mr. Rivu Dutta

Mr. Rittam Chatterjee

... for the NCB

1. Learned Counsel for the petitioner submits he is in custody for 105 days. It is also submitted that no narcotics was recovered from his possession. He prays for bail.

2. Learned Counsel for the NCB opposes the prayer for bail.

3. We have considered the materials on record. Land records stand in the name of the petitioner and his relations. Statements of witnesses also show petitioner used to use the godown and kept it under lock and key. A large amount of narcotics i.e. 159.8 kgs. of Ganja which is above commercial quantity was recovered from the godown. In view of the aforesaid incriminating materials and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)