

16.01.2024
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 2103 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 Titagarh Police Station Case No.714 of 2022 dated 02.12.2022 under Section 21(c) of the NDPS Act.

And

In Re: ***Birupam Sarkar @ Bhona***

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Arijit Ganguli
Mr. Nirupam Dhali

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted recovery was not witnessed by independent witnesses. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 1.62 kgs. of *codeine mixture*, which is above commercial quantity from the petitioner. Absence of independent witnesses *per se* will not improbabilise the recovery. Date has been fixed for consideration of charge. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

