

NDPS Case No. 39 of 2022
CNR No.WB0201-001141-2022

Order No. 18 dated 21.03.2023

Today is fixed for production of the accused persons, hearing of bail petition dated 28.02.2023 filed on behalf of the accused person namely, Subhasis Sarkar @ Chhoto and report of the I/O in final form.

Accused persons are produced before this Court from J/C.

Ld. Advocate for the accused Subhasis Sarkar @ Chhoto and the Ld. Chief P.P. are present.

No report of I/O in final form is received today.

By moving the instant bail application for the accused person, Ld. Advocate has submitted that there is no bail application pending or rejected by any higher forum. He has also stated that this accused is a permanent resident of Kolkata and was falsely implicated in this case. He has also stated that this accused was arrested on 21.10.2022 and since then he is in custody. He has stated that there is recovery of 29.105 kgs of Ganja from the possession of this accused person. He has further stated that this accused is a mere Ola Driver by profession and his mother is suffering from different ailments and there is none to look after her except this accused. Considering the above, Ld. Advocate has prayed for bail on behalf of this accused on any terms and conditions.

Ld. Chief P.P. has raised strong objection against the bail prayer of the accused person with submission that 29.105 kgs of Ganja was recovered from the joint possession of the accused persons in this case which was kept in the dickey of the seized Hyundai EON Car. He has also stated that this accused was in the seat of the driver and the other was beside him at the interception of the said car. He has further stated that the seized substance is much more than commercial quantity and both the accused persons are fully responsible for committing the said offence. He has stated that CFSL Report will come soon and charge sheet will be filed after that. He has stated that there is bar under Section 37 of NDPS Act for releasing the accused on bail.

Heard both sides. Perused the case record and the CD.

On perusal of the case record it appears that there is prima facie recovery of 29.105 kgs of Ganja in this case which is much more than commercial quantity. There is complete suppression or attempt to misguide this Court with false and fabricated documents regarding residential address of the accused written in the petition for bail and the address written in the AADHAAR Card of the accused. On perusal of materials on record this Court finds that there is no such materials in record which suggest that there is no reasonable ground to believe that the accused person is not guilty to this offence. Considering the above, gravity of offence, quantity of seizure and severity of punishment, prayer for bail of the accused person is considered and **rejected**.

C.D. be returned.

To **04.04.2023** for production of the accused persons and report of I/O in final form.

Dictated and corrected by me

Judge Bench-I, NDPS Act,
City Sessions Court, Calcutta.
In-charge

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City Sessions Court, Calcutta.
In-charge
JO Code No.WB00863.