

Serial no.15.
September 18, 2020.
SG

CRM 6688 of 2020
with
CRAN 1 of 2020

In Re. An application for bail under Section 439 of the Code of Criminal Procedure in connection with Metiaburuz Police Station Case No.07 of 2018 dated 18.01.2018 under Sections 20(b)(ii)(C)/29 of the NDPS Act and Section 25(1B)(a) Arms Act.

In the matter of: Md Salauddin

...petitioner.

Mr A. Chakraborty

... for the petitioner.

Mr Sanjay Bardhan

Mr Palash Chandra Majhi

... for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that 550 g of charas was recovered from the petitioner; though, at the same time, 520 g of charas was recovered from another.

Thus, it is evident that at the time of the seizure, commercial quantity of contraband was recovered from the joint possession of the petitioner and another. The principle is that when commercial quantity is recovered from the joint possession of several persons, each of such persons is deemed to have been in possession of the entire quantity.

In such view of the matter, the petitioner does not qualify to obtain the bail.

CRM 6688 of 2020 and CRAN 1 of 2020 are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)