

DI. November
44. 18, 2020

C.R.M. 8850 of 2020

In the matter of : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case No. 154 of 2020 dated June 25, 2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : Md. Kalim ...petitioner.

Versus

State of West Bengal ...opposite party.

Mr. Bitasok Banerjee,
...for the petitioner.

Mr. Madhusudan Sur,
Mr. Aniket Mitra,
...for the State.

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the Court. The petition is taken up on the basis of such undertaking.

The petitioner seeks to establish that the seizure was made from a place which is not the petitioner's house or the house that belongs to any relative of the petitioner or a house that is otherwise de jure or defacto controlled by the petitioner.

Such aspect of the matter cannot be gone into, at any rate conclusively, in considering the petitioner's prayer for bail.

The State says that commercial quantity of contraband was recovered from the petitioner's possession.

The petitioner glosses over such aspect of the matter, but seeks to deny that the house from where the contraband was recovered belongs to the petitioner.

On the basis of the material now available, the petitioner does not qualify to obtain bail. However, this order will not stand in the way of the petitioner urging whatever grounds may be available to him in course of the trial.

CRM 8850 of 2020 is disposed of.

(Sanjib Banerjee, J.)

ar/dns

(Aniruddha Roy, J.)