

27.11.2020
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IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 9437 of 2020

Mithun Das

-vs-

The State of West Bengal

In Re: An application for bail under **Section 439 CrPC** in connection with Basirhat P.S. Case No. 728 of 2019 dated 28.7.2019 under sections 21(c) Narcotic Drugs and Psychotropic Substances Act.

Mr. Angshuman Chakraborty
...for the petitioner.

Mr. Rana Mukherjee,
Mrs. Sujata Das
... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the present case, he is an innocent person. Therefore, the petitioner may be enlarged on bail.

The learned Advocate appearing for the State opposes the prayer for bail and produces the case diary. He submits that 47 bottles of Phensedryl cough syrup were recovered from the possession of the petitioner, which is more than the commercial quantity.

Considering the submission as advanced by the learned Advocate appearing for the parties and after perusing the case diary and other materials-on-record, we are of the opinion that as commercial quantity of contraband is involved and Section 37 of the NDPS Act creates a bar, there is no scope for releasing the petitioner on bail at this stage.

As such, the prayer for bail of the petitioner is rejected.

CRM No.9437 of 2020 is disposed of.

[Kausik Chanda J]

[Samapti Chatterjee, J]