

01.03.2021
Item No.23
Ct.No.28
Subha
rejected

C.R.M. 546 of 2021
(Via Video Conference)

Md. Manirul Sk.
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with NDPS Special Case No. 57 of 2020 arising out of Kaliachak P. S. Case No. 542 of 2020 dated July 10, 2020 under Section 22(c)/29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

Mr. Arnab Saha

... For the Petitioner.

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi

... For the State.

Mr. Saha, learned advocate appearing for the petitioner submits that the petitioner is in custody for 200 days and he has been falsely implicated in the instant case.

Learned advocate for the petitioner further submits that although the Inspector-in-Charge was absent, the Investigating Officer/Seizing Officer has narrated the facts to the superior officer being Inspector-in-Charge. Further the dates as specified in the First Information Report, letter of compliant and the seizure list do not tally which raises a serious doubt regarding

the seizure being effected and compliance with the provisions of Narcotic Drugs and Psychotropic Substances Act.

Mr. Bardhan, learned advocate appearing for the State submits that above commercial quantity of contraband was seized from the possession of the petitioner and further submits that earlier the application for bail of the petitioner was rejected on *21st October, 2020* passed by a co-ordinate Bench of this Court in *CRM 8395 of 2020*.

Having regard to the fact that contraband which was seized was of commercial quantity, we are of the opinion that the provisions of Section 37 of the Narcotic Drugs and Psychotropic Substance Act is attracted in this case and as such, the present petitioner is not entitled to be released on bail.

Accordingly, the prayer for bail of the present petitioner is rejected.

With the aforesaid observations, the application for bail being CRM 546 of 2021, is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)