

18.03.2021

Item No.68

Ct.No.28

dc.

Rejected

C.R.M. 728 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Raghunathganj P.S. Case No. 137 of 2020 dated 25.02.2020 under Sections 20(B)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 56 of 2020).

And

In Re : **Mukul Biswas @ Makul Biswas @ Golam Murtuja**

... Petitioner.

Mr. Sagar Saha,
Mr. Shibasis Chatterjee

... For the Petitioner.

Mr. P. K. Datta,
Mr. Santanu Deb Roy

... For the State.

This is an application for bail in connection with Raghunathganj P.S. Case No. 137 of 2020 dated 25.02.2020 under Sections 20(B)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act at the behest of the petitioner.

It is submitted by the learned advocate for the petitioner that 5 kgs. of 'ganja' was recovered from the exclusive possession of the petitioner which is below the commercial quantity. It is further submitted that the petitioner has a locomotive disability to the extent of 75% and the allegation made against him is a concocted story.

The learned advocate appearing for the State opposes the prayer for bail. It is submitted that three persons were

intercepted and 45 kgs. of 'ganja' was recovered from their possession and since more than commercial quantity of contraband was recovered from the joint possession of the aforesaid persons, petitioner is not entitled to bail under N.D.P.S. Act.

After hearing the respective Counsels and the materials available from the case records, we are of the opinion that since three persons were intercepted in the same incident and the recovery of contraband, above the commercial quantity, was made, we do not find that the petitioner has been able to make out any case taking exception to Section 37 of the N.D.P.S. Act. As such, the petitioner's prayer for bail is **rejected**.

The application for bail, being CRM 728 of 2021, is, thus, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)