

24.03.2021

Item No.119

Ct.No.28

dc.

Rejected

C.R.M. 1231 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Labpur P.S. Case No. 90 of 2020 dated 09.06.2020 under Sections 21C/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : **Hasibul Sekh & Others.**

... Petitioners.

Mr. Biswajit Hazra

... For the Petitioners.

Mr. Ranadeb Sengupta

... For the State.

This is an application for bail in connection with Labpur P.S. Case No. 90 of 2020 dated 09.06.2020 under Sections 21C/29 of the Narcotic Drugs and Psychotropic Substances Act at the behest of the petitioners.

The commercial quantity of contraband was recovered from the joint possession of five persons including the petitioners. The petitioners wanted to impress upon us that though the quantity of the contraband is commercial quantity, but if it is taken in the perspective of each of the petitioner where possession of contraband is below the commercial quantity, the petitioners may be entitled to grant of bail.

We are not impressed on this submission as once the commercial quantity of contraband was recovered from the

possession of several persons, each would contribute to the said quantity and therefore, they are not entitled to any protection. The petitioners, therefore, have not been able to make out any case taking exception to Section 37 of the N.D.P.S. Act. As such, the petitioners' prayer for bail is **rejected**.

The application for bail, being CRM 1231 of 2021, is, thus, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)