

24.06.2021

(Via Video Conference)

Court No. 28
Item No. PB-18
nandy/seth

CRM 1848 of 2021

(bail rejected)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 12.02.2021 in connection with Minakhan Police Station Case No. 272 of 2019 dated 18.11.2019 under Sections 21(C) of the Narcotic Drugs & Psychotropic Substances Act (N Case No. 218 of 2019).

and

In the matter of: **Bappa Sardar**

..... Petitioner

Mr. Tapas Kumar Dey, Advocate

.....for the Petitioner

Mr. Sanjay Bardhan, Advocate

Ms. Manisha Sharma, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Minakhan Police Station Case No. 272 of 2019 dated 18.11.2019 under Sections 21(C) of the Narcotic Drugs & Psychotropic Substances Act.

The learned Advocate for the petitioner submits that while sleeping in his room the petitioner was arrested by the police authorities and no contraband article has been recovered from his possession. It is further submitted that the daughter of the petitioner is indisposed of and needs attention and, therefore, the petitioner should be released on bail.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the contraband i.e. codine mixture of commercial

quantity was recovered from the joint possession of the petitioner and, therefore, the petitioner is not entitled to bail.

After hearing the respective counsel, we find that it is a matter of trial whether the contraband was recovered from the possession of the petitioner or not. In fact, the petitioner was sleeping in room and was arrested by the police authority. The document which has been produced before us indicates the recovery of the contraband from the joint possession of the petitioner and in view of the same, we do not think that the petitioner has been able to make out a case taking exception under Section 37 of the N.D.P.S. Act. We do not find that it is a fit case to grant bail to the petitioner at this stage.

The prayer for bail is **rejected**.

The application being **CRM 1848 of 2021** accordingly **dismissed**.

So far as the plea of illness of the daughter of the petitioner is concerned, the petitioner who is languishing in jail, may take step to other recourses available to him.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)