

19.07.2021

Court No.28  
Item No.10  
(REJECTED)

Ab/Saswata

**CRM 2122 of 2021**  
**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 23.02.2021 in connection with Bidhannagar South Police Station Case No. 106 of 2019 dated 06.08.2019 under Section 21(C) of the NDPS Act;

And

In the matter of : **Md. Asim and another.**

**...Petitioners.**

**Mr. Md. Imteyaz Aslam Lodhi.**

**...For the Petitioners**

**Mr. Sudip Ghosh,  
Mr. Bitasok Banerjee,  
Mr. A. K. Dutta.**

**... For the State**

The Advocate-on-record of the petitioners 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 petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Bidhannagar South Police Station Case No. 106 of 2019 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

5100 bottles of Phensedyl, which are above the commercial quantity, were recovered from the possession of the petitioners. The petitioners have been apprehended in the instant case and filed the application for bail on the plea that the petitioners have been implicated on the basis of the statement of the other person and, therefore, such statement has no evidentiary value in view of Section 27 of the Evidence Act.

Since the commercial quantity of contraband was recovered

from the possession of the petitioners, the aforesaid contention, in our view, has no role to play. The petitioners have not been able to make out a case for taking exception to Section 37 of the Narcotic Drugs and Psychotropic Substances Act.

The application for bail, being CRM 2122 of 2021, is thus **rejected.**

**(Harish Tandon, J)**

**(Subhasis Dasgupta,J.)**