

04.08.2021

Court No.28
Item No.15
(REJECTED)

Saswata

CRM 2213 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 24.02.2021 in connection with Itahar Police Station Case No. 177 of 2020 dated 12.06.2020 under Sections 21(c)/22(c) of the Narcotic Drug and Psychotropic Substances Act;

And

In the matter of : **Samim Khan @ Rinku**

...Petitioner.

Mr. Bitasok Banerjee

Ms. Ayantika Roy

...For the Petitioner

Mr. Sudip Ghosh

Mr. Apurba Kr. Datta

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 177 of 2020 under Sections 21(c)/22(c) of the Narcotic Drug and Psychotropic Substances Act.

Undeniably, the contraband (brown sugar) and opium were recovered from the joint possession of the petitioner, which is below commercial quantity. The petitioner is in custody for more than 1 year and charge-sheet had already been submitted.

Learned Advocate for the State opposes the prayer for bail and submits that the laboratory test report obtained by the Investigating Officer would reveal the existence of contraband and the charge-sheet had already been submitted and there is every possibility of the commencement of trial in near future.

After hearing respective submissions, it is no doubt true that the rigor of Section 37 of the NDPS Act does not apply as it pertains to the recovery of contraband below commercial quantity. Yet, considering the gravity of the offence, as well as the fact that the contraband had been recovered from the joint possession of the

petitioner, we do not think that the discretion lies in releasing the petitioner from custody.

The application for bail is, thus, considered and ***rejected***.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)