

27. 03.08.2021
Ct.32
Tanmoy
Dismissed

C.R.M. 2800 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **17/03/2021** in connection with **Berhampore Police Station Case No. 687 of 2020** dated **11/07/2020** under Sections **22(C)/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Motiur Sk @ Moti**

....petitioner.

Mr. Dipankar Mondal,
Mr. Anisur Rahaman

...for the petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

...for the State.

The allegation is under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. Commercial quantity of phensedyl has been recovered from the joint possession of the petitioner and two other co-accused persons.

Learned Counsel for the petitioner submits that there was gross irregularity in the seizure procedure. If that be so, the petitioner may get benefit of doubt at the trial. The fact remains, commercial quantity of contraband item was recovered from the joint possession of the petitioner and other two persons.

In view of the restrictions contained in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to grant bail to the petitioner.

Accordingly, the application for bail being C.R.M. 2800 of 2021 is **dismissed**.

In view of the fact that the petitioner has been in custody for more than a year, the learned trial Court is requested to expedite the trial to the extent possible.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)