

(Via Video Conference)

CRM 3404 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sagardighi Police Station** Case No. **49 of 2021** dated **06.02.2021** under Section **21(C)** of the NDPS Act.

- A n d -

In the matter of : Sk. Rajib Hossain

.... Petitioner.

Mr. Sabir Ahmed,

... For the Petitioner.

Mr. Ranadip Ray Chowdhury,
Mr. Rudradipta Nandi

... For the State.

The charge is under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act. The prosecution case is that 600 bottles of phensedyl was seized from the car of the petitioner.

The petitioner says that he holds a license under the Drugs and Cosmetics Rules, 1945 which permits him to sell, stock or exhibit or offer for sale or distribute by wholesale certain types of drugs. He says that this license covers the stock of phensedyl that was found in his car.

Learned Advocate for the State strongly opposes the prayer for bail and says that commercial quantity of contraband was seized from the car of the petitioner. The petitioner has not been able to explain or show wherefrom he obtained such contraband items.

We have considered the facts and circumstances of the case. The license that the petitioner holds itself says that no drug shall be sold unless such drug is purchased under a cash or credit memo from a duly licensed dealer or a duly licensed manufacturer. The petitioner is not in a position to explain how he got into possession of the aforesaid bottles of phensedyl.

In view of the aforesaid and keeping in view the statutory restriction in Section 37 of the NDPS Act, we are unable to allow the petitioner's prayer for bail at this stage.

Accordingly, the prayer for bail is rejected.

CRM No. 3404 of 2021 is accordingly dismissed.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)