

26.07.2021
tkm/ct 32
sl no. 58

C.R.M. 3690 of 2021
(via video conference)

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Basirhat P.S case no. 105 of 2021 dated 18.2.2021 under section 21(c) of the NDPS Act

And

In Re : Kalyani Ghosh petitioner

Mr. S. Lahiri
Mr. S Azam

..... for the petitioner

Mr. Rana Mukherjee
Ms. Sujata Das
Ms. D Sahu

..... for the State

Commercial quantity of contraband was recovered from the exclusive possession of the petitioner. Such is the allegation.

Learned advocate for the petitioner submits that the petitioner runs a tea stall to support her ailing husband and physically challenged son. The bag containing the contraband was recovered from a bush near the tea stall of the petitioner who had no knowledge of the same. The petitioner has been framed.

Learned advocate for the State produces the case diary. We have seen the seizure list and other statements recorded by witnesses. The seizure list states that the contraband was recovered from the exclusive possession of the petitioner.

We are told that chemical report is yet to be received. The State shall make all endeavours so that the report is received and placed before the court below at the earliest.

However, in view of the statutory restriction contained in section 37 of the NDPS Act, we are unable to allow the application.

Accordingly, the prayer for bail is rejected.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)