

06.08.2021

Court No.28
Item No.21
(REJECTED)

Saswata

CRM 4013 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No. 206 of 2020 arising out of Nabagram Police Station Case No. 233 of 2020 dated 05.09.2020 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Raja Dutta & Anr.**

...Petitioners.

Ms. Jeenia Rudra

...For the Petitioners

Mr. Sanjay Bardhan

Mr. Nirupam Dhali

Mr. Palash Chandra Majhi

... 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 NDPS Case No. 206 of 2020 arising out of Nabagram Police Station Case No. 233 of 2020 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

41.200 Kgs of *ganja* was recovered from the joint possession of the petitioners and two other accused persons. The petitioners have been arrested on 5th September 2020 and is still languishing in jail.

Since the commercial quantity of contraband was recovered from the joint possession of the petitioners, the prayer for bail cannot be entertained in view of the embargo created under Section 37 of the NDPS Act.

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

(Harish Tandon, J)

(Bibek Chaudhuri,J.)