

03. 23.09.2021

Ct.32

Tanmoy

Rejected

C.R.M. 4223 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **22/06/2021** in connection with **N.D.P.S. Special Case No. 57 of 2020** arising out of **Kaliachak Police Station Case No. 542 of 2020** dated **10/07/2020** under Sections **22(c)/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Sahin Sk @ Shine Sk**

...petitioner.

Mr. Dhruv Saha,
Mr. Abhimanyu Banerjee,
Mr. Subham Saha

...for the petitioner.

Mr. Rana Mukherjee, Ld. A.P.P.,
Ms. Debjani Sahu,
Ms. Sujata Das

...for the State.

The petitioner renews his prayer for bail which was rejected earlier by a co-ordinate Bench of this Court on April 9, 2021 in C.R.M. 1438 of 2021.

The seizure list says that commercial quantity of contraband items was seized from the joint possession of three persons, one of whom is the petitioner and from a house which, according to the seizure list, belongs to the petitioner.

The petitioner says that the house does not belong to him. He was only present in front of the house on a motorbike. Charge-sheet has been submitted.

Whether or not the house belongs to the petitioner, will be decided at the trial. Presently, we find that *prima facie* the recovery was also from the petitioner. In view of commercial

quantity of contraband items being involved and in view of the statutory restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioner's prayer for bail.

Accordingly, the application for bail being C.R.M. 4223 of 2021 is **dismissed**.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)