

CRM 4483 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tangra Police Station Case No.155 of 2019 dated 06-09-2019 under Sections 20(b)(ii)(C) and 29 of the NDPS Act.

- A n d -

In the matter of : Manish Kumar Rajak

.... Petitioner.

Mr. Mohammad Khairul

... For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

The petitioner is one of two accused persons. From the seizure list, it appears that commercial quantity of Ganja was recovered from the joint possession of the petitioner and the other co-accused person.

The petitioner says that it is not a case of joint possession. From his possession alone, about 14 kgs of Ganja was seized which is below the commercial quantity. Hence, there will be no bar in granting him bail.

We have considered the material on record. *Prima facie*, it appears that from the joint possession of the petitioner and another accused person, commercial quantity of Ganja was recovered. In view of the restrictions in Section 37 of the NDPS Act, we are not inclined to entertain the petitioner's prayer for bail.

The petitioner says that the Memo of Arrest would show that the petitioner and the other accused person were arrested at different points of time. Hence, the case of joint possession of narcotics must fail. This is a point which the petitioner will be at liberty to argue at length before the

learned trial Court. We are *prima facie* not inclined to go into such a point.

We also notice that a coordinate Bench of this Court rejected the petitioner's prayer for bail by an order dated June 09, 2020 passed in CRM 3712 of 2020. There does not appear to be any change of circumstances thereafter.

By reason of what we have recorded above, we are not inclined to entertain the petitioner's prayer for bail.

The application for bail being CRM 4483 of 2021 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**