

(Through Video Conference)

CRM 4696 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 09.07.2021 in connection with Watgunge Police Station Case No. 8 of 2018 dated 12.01.2018 under Sections 20(b)(ii)(c)/29 of the NDPS Act and Section 25(1B) (a) of the Arms Act.

And

In the matter of : Sk. Zamiruddin alias Imran
... ..Petitioner

Mr. Angshuman Chakraborty, Advocate
... .. For the Petitioner

Mr. Neguive Ahmed, Id. APP
Ms. Amita Gaur, Advocate

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that intermediate quantity of charas was seized from the possession of the petitioner. The petitioner is in detention since February 2, 2018. The police submitted charge-sheet and, therefore, continued detention of the petitioner is not required.

Learned Advocate appearing for the State submits that commercial quantity of charas was seized from another person upon whose leading statement the petitioner was arrested and from whom intermediate quantity of charas was recovered. She submits although the quantity should be added together as it is of the same transaction and relates to the same police case and, therefore, it should be said that recovery of commercial quantity of charas was made from the joint possession of the petitioner. She submits that on a previous occasion, the prayer for bail of the petitioner was rejected on the ground that there is a criminal antecedents of the petitioner with regard to narcotics.

Learned Advocate for the petitioner submits that the petitioner was granted bail in the other matter.

Considering the materials on record and considering the fact that charas was recovered from the possession of the petitioner on a statement of a co-accused from whose possession commercial quantity of charas was seized and considering his past antecedents, we are unable to hold that the petitioner is in a position to rebut the presumptions under Section 37 of the NDPS Act warranting this Court to grant bail to the petitioner.

CRM 4696 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)