

C.R.M 5122 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NCB Crime** No. **19** of **2019** dated **01.09.2019** under Section 8(c) of the Narcotics Drugs and Psychotropic Substances Act read with Section 22(c) of the Narcotics Drugs and Psychotropic Substances Act.

And

In Re : Rana Mandal @ Islam

..... petitioner

Mr. K. Chowdhury
Mr. B. Khatun

.... for the petitioner

Mr. Y. J. Dastoor
Mr. Phoroze Edulji
Ms. Rajashree Venkat Kundalia

... for the NCB

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, no contraband was recovered from the possession of the petitioner. The petitioner was sought to be falsely implicated on the basis of the statement of a co-accused.

Learned Additional Solicitor General appearing for the NCB submits that, 11,200 'yaba' tablets was seized from a Toto. In the same toto, not only the voter ID card of the petitioner was found but also two mobile phones, SIMs of which belong to the petitioner, were also seized. The petitioner fled across the border.

Considering the gravity of the offence and considering the fact that the seizure of voter ID card and the mobile phones containing the SIMs belonging to the petitioner from the same Toto from where the contraband was seized, we are of the view

that the petitioner is not in a position to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 5122 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)