

17.09.2021
Serial no. 5
Dd

(Through Video Conference)

CRM 5811 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **27.08.2021** in connection with **Special Court under N.D.P.S Act, at Alipore, South 24 Parganas**, arising out of **Baruipur** Police Station Case No. **2378** of **2020** dated **4th of December, 2020** under **Sections 21(C) / 29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : Sopan Marick

...Petitioner

Mr. Arnab Chatterjee, advocate
... .. For the Petitioner
Mr. Ranadeb Sengupta, advocate
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner draws the attention of the Court to Section 2(vii-a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 37 thereof. He submits that the substance seized from the possession of the petitioner is of controlled substance and, therefore, the provisions of 37 of Act 1985 is not applied. He submits that the petitioner is in custody for 270 days. Since the police submitted charge sheet, further detention of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to Rule 4 of the Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substances) Order, 2013. He submits that the substance seized from the petitioner was sent for forensic examination and from the report of the Forensic Laboratory it transpires that the substance seized is the precursor for the manufacture of a narcotic drug.

Considering the facts and circumstances of the case and considering the fact that controlled substance which was seized from the possession of the petitioner is a precursor for the manufacture of a narcotic drug, we are not inclined to grant bail to the petitioner.

CRM 5811 of 2021 is **dismissed**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)