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(AD) 08.12.2021

Court No.28

(Rejected)

C.R.M. 6115 of 2021
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.09.2021 in connection with Special Case No.71 of 2020 arising out of **Hili** P.S. Case No.**99 of 2019** dated **02/07/2019** under Sections **21(C)/22(C)/23(C)/25** of the Narcotic Drugs and Psychotropic Substances Act.
And

In the matter of: Amit Mahato @ Mahanta

....petitioner.

Mr. Biswajit Manna

...for the petitioner.

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

... for the State.

Petitioner is in custody for 171 days. It is submitted that no recovery was effected from the possession of the petitioner. Contraband was not seized at the place of occurrence but in the police station.

Learned Advocate appearing for the State opposes the prayer for bail. He submits BSF Personnel had cordoned the residence of the petitioner, whereupon the latter threw out the contraband in front of his house. The contraband was recovered by the BSF Personnel and taken to the police station where it was seized.

We have considered the materials on record including the statements of the BSF Personnel and other. Conduct of the petitioner in throwing out the contraband from his residence is evident from their statements. Hence, there are materials to come to the *prima facie* conclusion that he was in conscious possession of the narcotic substance which had been seized.

In view of the aforesaid facts and the statutory

restrictions under Section 37 of the NDPS Act, we are of the opinion that this is not a fit case to grant bail.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. 6115 of 2021 is, thus, dismissed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)