

29.11.2021
499
Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. 7328 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jalangi** Police Station Case No. **198** of **2021** dated **20.07.2021** under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And
In Re : Pinjura Bibi.

..... petitioner

Mr. Jishan Iqubal Hossain
.... for the petitioner

Mr. Ranadeb Sengupta
.... for the State

Petitioner seeks bail.

Learned senior advocate appearing for the petitioner submits that, the petitioner is in custody for 130 days. The petitioner is sought to be implicated on the basis of a statement of a co-accused. No contraband was recovered from the possession of the petitioner.

Learned advocate appearing for the State submits that, investigations are in progress. Initially, two persons were arrested and contraband of commercial quantity was seized from them. From their statement, another person was arrested and again contraband was seized from such arrested person. Such person named the petitioner. At the time of raid, a weighing machine was seized from the residence of the petitioner along with silver paper. He submits that, there are statements

recorded under Section 161 of the Code of Criminal Procedure (Cr. P. C.) of neighbours implicating the petitioner.

Considering the materials in the case diary and considering the fact that narcotics of commercial quantity was seized from the possession of the co-accused and that there are independent witnesses, who recorded statement under Section 161 Cr. P. C. implicating the petitioner, 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 not in a position to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 7328 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)