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(AD) 02.12.2021

C.R.M. 7737 of 2021
(Via Video Conference)

Court No.29

(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.11.2021 in connection with NDPS Case No.04 of 2021 arising out of **NCB Crime No.05/NCB/KOL/2021** under Section **8(c)** read with Sections **18(c)** and **29** of NDPS Act, 1985.

And

In the matter of: Mrs. Kabita Ghosh

....petitioner.

Mr. Souvik Mitter

Mr. Joy Chakraborty

...for the petitioner.

Mr. Y.J. Dastoor, Ld. ASG

Mr. Phiroze Edulji

... for the Narcotics Control Bureau (NCB).

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that no contraband was recovered from the possession of the petitioner. He refers to a notice dated April 20, 2021 issued under Section 68F of the NDPS Act stating that the money that was recovered from her possession was owned by the son of the petitioner.

Learned Additional Solicitor General submits on behalf of the Narcotics Control Bureau (NCB) that contraband of commercial quantity was seized from the house belonging to the petitioner. The son of the petitioner fled away. The money with regard to the contraband was recovered from the possession of the petitioner.

Considering that the commercial quantity of contraband was seized from the house belonging to the petitioner and considering the fact that the money relating to the contraband

was seized from the possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

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

C.R.M. 7737 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)