

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

**CRM 379 of 2021
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Sahebganj Police Station Case No.484 of 2020 dated 07.11.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

And

In the matter of: Noor Mohammad

.... Petitioner

Mr. Arnab Saha.

... For the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly.

... For the State

Learned counsel for the petitioner submits that no seizure of psychotropic substances was made from the possession of the petitioner. He further submits that the seizure was not made in consonance with law. According to him, the seizure list prepared by the investigating agency does not show that anything has been recovered from the possession of the petitioner.

Materials on record, prima facie, show that 2.7 litres of phensedyl syrup containing codeine has been recovered from the possession of the petitioner when the seizure was made on November

7, 2020 and subsequently a seizure list was prepared by the investigating agency on the basis of such seizure.

Having regard to the materials on record showing possession of psychotropic substances above commercial quantity, and in view of the presumption of Section 37 of the NDPS Act, the prayer for bail of the petitioner is rejected.

CRM 379 of 2021 is thus rejected.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)