

28.01.2022
Serial no.55
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(Through Video Conference)

CRM (NDPS) 23 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **700** of **2021** dated **18.09.2021** under **Sections 21(c)/29 of** the Narcotic Drugs and Psychotropic Substances Act arising out of NDPS case no. 200 of 2021.

-And-

In the matter of : Lili Bibi

... ..Petitioner

Mr. Jisan Iqubal Hossain

... .. For the Petitioner

Mr. Narayan Prasad Agarwala

Mr. Saryati Dutta

... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 133 days. No recovery was made from the possession of the petitioner. He further submits that petitioner was falsely implicated in the case.

Learned advocate appearing for the State draws attention of the Court to the contents of the case diary. He submits that two accused were arrested at about 16.40 hours and that the petitioner was arrested at 16.45 hours at the same locale.

Consequently, it cannot be said that the petitioner is able to rebut the presumption under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Considering the gravity of the offence and involvement of the petitioner in the case and considering the fact that the petitioner was arrested at the same locale only five minutes

after the arrest of the other two accused persons in possession of the commercial quantity of Narcotics, we are of the view that the petitioner is unable to rebut the presumption under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Consequently, we are not inclined to grant bail to the petitioner.

Prayer for bail is rejected.

CRM (NDPS) 23 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)