

**28.01.2022**

**Serial no. 76**

Dd

**(Through Video Conference)**

**CRM(NDPS) 63 of 2022**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **N 57/2021** arising out of **Nazat** Police Station Case No. **76** of **2021** dated **15.04.2021** under **Sections 21 (c)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

**-And-**

**In the matter of : Habibur Sekh alias Khokon Sekh alias  
Baccha Khokon**

**... ..Petitioner**

Mr. Angsuman Chakraborty, Advocate  
... .. For the Petitioner

Mr. Ranabir Roy Chowdhury,  
Mr. Mainak Gupta, Advocates  
... ..For the State

Petitioner seeks bail.

Learned advocate appearing on behalf of the petitioner submits that the petitioner was in custody at the relevant point of time when seizure was recorded. He submits that the prosecution claims that the recovery was made from the open house of the petitioner.

Learned advocate appearing for the State submits that same contentions were raised by the petitioner before the coordinate Bench on the earlier occasion. He submits that commercial quantity of narcotic was seized from the house belonging to the petitioner.

Considering the fact that commercial quantity of narcotic was seized from the house belonging to the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act,

1985. Moreover, there is hardly any change in circumstances subsequent to the earlier order of rejection of prayer for bail on November 9, 2021.

we are not inclined to grant bail to the petitioner.

Prayer for bail is **rejected**.

CRM(NDPS) 63 of 2022 is **dismissed**.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**