

31.01.2022

Sl. 43

Court No.29

sourav

(Rejected)

C.R.M. (NDPS) 67 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.01.2022 in connection with **Nabagram** P.S. Case No. **237 of 2020** dated **11.09.2020** under Sections **20(b)(ii)(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Piarul Biswas & Ors.

....petitioners.

Mr. Samrat Chowdhury

...for the petitioners.

Mr. Tapandeo Nandy

Mr. Antarikhya Basu

...for the State.

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that no narcotic substance was recovered from the possession of the petitioners. The petitioners were travelling in a vehicle from which no recovery was made. It is alleged that two vehicles were there. The recovery was made from the other vehicle. There was no independent witness at the time of seizure.

Learned advocate appearing for the State submits that the recovery was made in the presence of independent witnesses. He refers to the seizure list. He submits that narcotic substance of commercial quantity was seized from the joint possession of the petitioners.

The petitioners seeking bail where the provisions of NDPS Act, 1985 are attracted is required to overcome the restrictions under Section 37 of the NDPS Act, 1985.

In the present case, the petitioners claim that no recovery was made from the possession of the petitioners and that the recovery was not witnessed by any independent witnesses. Seizure list shows that there was a recovery of commercial quantity of narcotic from

the joint possession of the petitioners in presence of independent witnesses.

Consequently, we are unable to hold that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

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

C.R.M. (NDPS) 67 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

