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Serial no. 87

Dd

(Through Video Conference)

CRM(NDPS) 72 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Special Case No. 44 of 2020** arising out of **Balurghat** Police Station Case No. **248** of **2020** dated **17.07.2020** under **Sections 21(C)/22(C)/23(C)/25, 27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : Pankaj Barman

... ..Petitioner

Mr. Sandeep Prasad Shaw,
Mr. Anupam Some,
Ms. Ilika Patra,
Ms. Priyanka Gupta, Advocates
... .. For the Petitioner

Mr. Binay Panda,
Ms. Puspita Saha, Advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that another co-accused was granted bail by the coordinate Bench. Considering the period of detention of the petitioner, prayer for bail should be granted.

Learned advocate appearing for the State submits that no narcotic was recovered from the possession of the person who was granted bail by the coordinate Bench.

In the present case, commercial quantity of narcotic was seized from the joint possession of the petitioner. Considering the fact that narcotic of commercial quantity 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.

Petitioner cannot claim parity with that of the other co-accused granted bail by the coordinate Bench.

Consequently, we are not inclined to grant bail to the petitioner.

Prayer for bail is **rejected**.

CRM(NDPS) 72 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)