

18.02.2022
Item No.37
Court No.32
ss

C.R.M. (NDPS) 76 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure Code.

And

In Re: Rafikul Sk.

... Petitioner.

Miss Riya Das

... for the Petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Lalgola P.S. Case No. 682 of 2021 dated 09.09.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substance Act.

Learned Advocate appearing for the petitioner submits that there had been no recovery of contraband substance above commercial quantity from the possession of the petitioner as would be explicit from the contents of the order passed by the learned Special Court on 15.12.2021. In view thereof, the statutory restrictions are not attracted. Upon completion of investigation, charge-sheet has also been submitted and as such further detention of the petitioner, who is in custody since 9th September, 2021, is not necessary and he may be enlarged on bail.

Mr. Ranabir Roy Chowdhury, learned Advocate appearing for the State opposes the petitioner's prayer and draws our attention to the contents of the complaint, the statement of the witnesses as recorded under Section 161 and the seizure list.

Heard the learned Advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, a composite reading of the contents of the complaint, the statement of the co-accused and the seizure list would reveal that the petitioner was present at the place of occurrence along with four other persons. The persons were arrested and the seizure was conducted at about 22.25 hours. In view thereof, it cannot be ruled out that the petitioner had conscious possession of contraband above commercial quantity. As such the statutory restrictions are attracted and we are not inclined to exercise discretion in his favour and his prayer for bail is refused, at this stage.

With the aforesaid observations, the application for bail, being CRM (NDPS) 76 of 2022, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)