

01.02.2022
Serial no.33

Aloke
Ct. No. 29

(Through Video Conference)

CRM (NDPS) 115 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2022 in connection with Kolaghat Police Station Case No. 430 of 2021 dated 23.10.2021 under Section 22/24/25/27A/29 of the NDPS Act.

-And-

In the matter of : **Deb Kumar Ghorui @ Debkumar Ghorai**
... ...Petitioner

Mr. Suman De, Advocate

... ... For the Petitioner

Mr. Sanjay Bardhan, Advocate

Ms. Baishakhi Chatterjee, Advocate

... ... For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. Nothing was recovered from the possession of the petitioner. The petitioner was plying on National Highway 6 at the time of the incident. It is alleged that the petitioner escorting the vehicle containing the narcotics.

Learned Advocate appearing for the State draws the attention of the Court to the two seizure lists. He submits that the petitioner signed in one of the seizure lists. Both the seizure lists were prepared at the same location on the same date and time.

Considering the fact that the petitioner signed the seizure list prepared in respect of the same incident as the other seizure list and considering the fact that commercial quantity of narcotic was seized as shown in the other seizure list prepared at the same locale on the same date and same time, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, CRM (NDPS) 115 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)