

08.02.2022

Sl. 39

Court No.29

sourav

(Rejected)

C.R.M. (NDPS) 174 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **03.02.2022** in connection with **Bhagwangola** P.S. Case No. **434 of 2021** dated **26.09.2021** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 in connection with NDPS Case No. **208 of 2021**.

And

In the matter of: **Bahadur Sk.**

....petitioners.

Mr. Soumyajit Das Mahapatra

Mr. Ali Ahsan Alamgir

Ms. Rabia Khatoon

...for the Petitioners.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that a prayer for anticipatory bail was allowed by this Court on December 16, 2021 in CRM 7376 of 2021 without the fact that the petitioner was arrested on December 13, 2021 being brought to the notice of the Hon'ble Court. He submits that an alleged seizure was shown to be made on December 17, 2021 which was allegedly witnessed by the wife and the brother of the petitioner. He submits that the prosecution will not be able to prove seizure of commercial quantity of narcotic from the petitioner at the trial.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary.

As the contents in the case diary stands, it suggests that commercial quantity of narcotic was seized on the leading statement made by the petitioner while in custody. Whether the prosecution will ultimately succeed at the trial or not need not be speculated upon at the time of consideration of the prayer for bail.

The fact remains that the petitioner is unable to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in view of the seizure of commercial quantity of narcotic pursuant to his leading statement.

Consequently, we are unable to grant bail to the petitioner.

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

C.R.M. (NDPS) 174 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

