

**31.03.2022**

**Serial no.43**

[Dd]

*(Bail Rejected)*

**CRM 1108 of 2021**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Chinsurah** Police Station Case No. **233** of **2020** dated **19.08.2020**, NDPS 44 of 2020 under Section **21(C)** of the NDPS Act.

**-And-**

**In the matter of : Sanjib Biswas @ Sanjit ... ..Petitioner**

*Mr. Sekhar Basu, Learned Senior Advocate*

*Mr. Narayan Debnath,*

*Mr. Abhishek Choudhury, Advocates*

*... .. For the Petitioner*

*Mr. Sanjoy Bardhan,*

*Ms. Manisha Sharma, Advocates*

*... ..For the State*

Petitioner seeks bail.

Learned senior advocate appearing for the petitioner refers to the first information report. He submits that the police personnel who is stated in the first information report to have seized the articles did not sign the seizure list and was not even present at the spot.

Learned advocate appearing for the State submits that the seizure list was signed by the petitioner. Commercial quantity of narcotic was seized from the petitioner. There are criminal antecedents of the petitioner with regard to narcotics itself.

Considering the fact that commercial quantity of narcotic 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. The

contention of the petitioner with regard to the validity of the seizure should be decided at the trial, if raised.

In the circumstances, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM 1108 of 2021 is **dismissed**.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**