

CRM (NDPS) 202 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 11.02.2022 in connection with Palasipara P.S. Case No. 80 of 2021 dated 08.03.2021 under Sections 17/18/21(c) of the NDPS Act.

-And-

In the matter of : **Disadul Shaikh @ Majidul**

... ...Petitioner

Mr. Debarshi Brahma, Advocate

... ... For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP

Mr. Swapan Banerjee, Advocate

Mr. Anindya Sundar Chatterjee, Advocate

... ... For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that another co-accused was granted bail in CRM 6500 of 2021 on September 30, 2021. The narcotic was seized from the house of such co-accused. The petitioner stands in the same footing as that of the other co-accused.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary including the seizure list. He submits that narcotic of commercial quantity was seized from the house belonging to the other co-accused who was granted bail. He submits that there are criminal antecedents of the person who was granted bail in CRM 6500 of 2021 being Palasipara P.S. Case No. 65 of 2018.

It does not appear from the order dated September 30, 2021 in CRM 6500 of 2021 that it records seizure of commercial quantity of narcotic from the house of the person who was granted bail in that matter. The factum of criminal antecedent of such person was also not noted in such order.

From the seizure list placed before the Court, it appears that commercial quantity of narcotic was seized from the petitioner herein at the house belonging to the person who was granted bail in CRM 6500 of 2021 on September 30, 2021.

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

In course of the hearing of the petition, we requested the learned Public Prosecutor to appear in order to assist us with regard to the order dated September 30, 2021 passed in CRM 6500 of 2021. He submits that the State will take appropriate steps with regard to such order expeditiously. Such submission is noted and be placed on record.

CRM (NDPS) 202 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)