

11.04.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M. (NDPS) 203 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **135** of **2021** dated 28.06.2021 under Section 20(b)/21(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Rajan Sk

..... petitioner

Mr. Sagnik Mukherjee

....for the petitioner

Mr. Binoy Panda

Mr. Subham Bhakat

....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the police did not show any independent witness at the time of seizure. He highlights the period of detention of the petitioner.

Learned advocate appearing for the State submits that, commercial quantity of narcotic was seized from the possession of the petitioner.

The issue as to absence of so-called independent witnesses at the time of seizure should be decided at the time of trial, if raised.

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

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM (NDPS) 203 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)