

13.04.2022
Sl. 86
Court No.29
sourav
(Rejected)

C.R.M. (NDPS) 207 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Dhubulia** Police Station Case No. **220** of **2021** dated **17.07.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

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

....petitioner.

Mr. Soubhik Mitter

Mr. Snehansu Majumder

...for the petitioner.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that no recovery was made from the possession of the petitioner. The period of detention of the petitioner should be considered for the purpose of granting bail.

None appears for the State.

The recovery of commercial quantity of narcotic was made from the house belonging to the petitioner. The seizure was made from the wife of the petitioner. Therefore, the petitioner should be deemed to be in conscious possession of the narcotic seized.

In such circumstances, 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.

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

C.R.M. (NDPS) 207 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

