

11.04.2022

101
Ct. No. 29
KAUSHIK
REJECTED

C.R.M. (NDPS) 211 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **198** of **2021** dated 29.03.2021 under Sections 21(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Prodip Roy

..... petitioner

Mr. Sayan De
Mr. Sayan Kanjilal

....for the petitioner

Mr. Sanjoy Bardhan
Mr. Nirupam Dhali

....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is the driver of the vehicle from where narcotic was seized. The owner of the vehicle, despite an order rejecting the prayer for anticipatory bail, is yet to be arrested.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, commercial quantity of narcotic was seized from the exclusive possession of the petitioner.

Considering the fact that commercial quantity of narcotic was seized from the exclusive 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) 211 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)