

04.03.2022
Court No.32
Item No. 29
Avijit Mitra

C.R.M. (NDPS) No.229 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Jarjish Sk. @ Zarjis Sk.

Mr. Tapodip Gupta

Petitioner

For the Petitioner

Mr. Tapandeb Nandy,
Mr. Antarikhya Basu

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Suti Police Station Case No.551 of 2021 dated 18.12.2021 under sections 21(a)/29 of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Gupta, the learned advocate appearing for the petitioner submits that an intermediate quantity of contraband substance was recovered from the possession of the petitioner and as such, the statutory restrictions are not attracted. He has already suffered incarceration for about 76 days. Upon completion of investigation chargesheet has been submitted and as such further detention of the petitioner may not be necessary.

Such contention has, however, been disputed by Mr. Basu, learned advocate appearing for the State. He submits that investigation is not yet complete. On 4th February, 2022, 4.8 litres of Codeine mixture was recovered from the house of one Monirul Sk.,

who named the petitioner. The petitioner is a part of the racket and has direct nexus with the alleged offence.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that initially on 17th December, 2021, 35 grams of heroine was recovered from the possession of the petitioner herein. On 4th February, 2022, 4.8 litres of Codeine mixture was recovered from the possession of one Monirul Sk., who named the petitioner.

In the backdrop of such facts, *prima facie*, petitioner's involvement in the alleged offence cannot be ruled out and as such, we are not inclined to exercise any discretion in his favour and his prayer for bail is refused, at this stage.

The application for bail, being CRM (NDPS) No.229 of 2022, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)