

CRM (NDPS) 235 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 21.02.2022 in connection with Lalgola Police Station Case No. 705 of 2021 dated 24.09.2021 under Sections 21(c)/29 of the NDPS Act.

-And-

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

... ...Petitioner

Mr. Jisan Iquabal Hossain, Advocate

... ... For the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ... For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody in excess of five months. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. No recovery was made from the possession of the petitioner. He refers to the seizure list.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the two persons were arrested in the presence of the petitioner. A notice under Section 50 of the NDPS Act, 1985 was served upon the petitioner which was received by the petitioner.

Considering the fact that the seizure of commercial quantity of narcotic was made from the spot where the petitioner was present and considering the fact that the petitioner responded to the notice under Section 50 of the Act of 1985 and considering the fact that the constructive possession of the commercial quantity of narcotics by the petitioner cannot be discounted, we are of the view that the petitioner is unable to overcome the provisions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

CRM (NDPS) 235 of 2022 is rejected.

Personal appearance of the Investigating Officer is dispensed with.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)