

07.04.2022

Sl. 81
With
82
Court No.29
suvayan
(rejected)

C.R.M. 1620 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.02.2021 in connection with **Jibantala** P.S. Case No. **304 of 2020** dated **18/06/2020** under Sections **20(c)/29** of the NDPS Act, 1985.

And

In the matter of: Mosharaf Molla

....petitioner.

C.R.M. 384 of 2021

In the matter of: Sentu Sk.

....petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv.
Mr. Shiladitya Banerjee
Mr. Abhijit Ganguly
Mr. Sayan Mukherjee

...for the petitioner
in CRM 1620 of 2021.

Mr. Sanjay Bardhan
Mr. Nirupam Dhali
Mr. Palash Majhi

...for the State.

Re: CRM 1620 of 2021

Petitioner seeks bail.

Learned Senior Advocate appearing for the petitioner submits that samples of 100 grams each were taken at the time of the seizure of the so-called narcotics. The Forensic Report claims that the gross weight of such samples were in excess of 124 grams. He questions the discrepancy in weight in the documents.

The Forensic Report states that the substances seized was Ganja which is a narcotic. The seizure was of commercial quantity.

Learned Advocate appearing for the State highlights the fact that the sample received by the laboratory was intact as appearing from the report of the laboratory.

Be that as it may, the alleged discrepancy, if there by any is to be decided at the stage of trial. Today, the seizure of narcotics being of commercial quantity is otherwise established.

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, we are unable to grant bail to the petitioner.

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

C.R.M. 1620 of 2021 is dismissed.

Re: CRM 384 of 2021

CRM 1620 of 2021 is detagged from CRM 384 of 2021 and is taken up for consideration independently.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)