

15.03.2022

Sl. 42
Court No.29
suvayan
(rejected)

C.R.M. (NDPS) 282 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.03.2022 in connection with **Amdanga** P.S. case No. **296 of 2020** dated **09/05/2020** under Sections **21(c) & 29** of the Narcotic Drugs and Psychotropic Substances Act 1985 initially under Section 21(b) of the N.D.P.S. Act.

And

In the matter of: Chandan Chowdhury

....petitioner.

Mr. Anupam Das

Mr. Soupal Chatterjee

...for the petitioner.

Mr. Sudip Ghosh

Mr. Apurba Kr. Datta

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner possessed a valid drug license.

Learned Advocate appearing for the State submits that the commercial quantity of narcotic was seized from the possession of the petitioner.

It appears from the documents made available with the petition that the license under the Drugs and Cosmetics Rules, 1945 expired on June 8, 2016. No application for renewal was made within the validity period. However, the petitioner seeks to rely upon on receipt issued on September 7, 2016 which is beyond the validity period of the drug license. The piece of evidence that the petitioner seeks to put forward would be subject matter of trial. No final decision need be taken on the basis of such receipt sought to be relied upon by the petitioner.

Considering the fact that commercial quantity of narcotic was

seized from the possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances 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) 282 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)