

23.03.2022

Sl. 26
Court No.29
suvayan
(rejected)

C.R.M. (NDPS) 297 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.03.2022 in connection with **Gangarampur** P.S. case No. **89 of 2021** dated **30.03.2021** under Sectiond **21(C)/22(C)/23(C)/27A/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Nur Islam

....petitioner.

Mr. Biswajit Manna

...for the petitioner.

Mr. Sanjy Bardhan

Mr. Nirupam Dhali

...for the UOI

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the subsequent to the charge-sheet it transpires that the phensedyl is a drug manufactured by a company in India and that phensedyl by itself is not manufactured as such. He submits moreover, there is a disparity between the batch number of the article seized and the batch number submitted by the police elsewhere.

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

The issues sought to be raised by the petitioner may be raised at the trial and ought to be decided so raised at the trial. At this stage, the petitioner is governed by the provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Considering the fact that commercial quantity of narcotic was recovered 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. Moreover, there is hardly any change in circumstances in favour of the petitioner warranting grant of bail to the petitioner.

Consequently, we are unable to grant bail to the petitioner.

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

C.R.M. (NDPS) 297 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)