

30 05.04.2022
(AD) Court No.29
(Rejected)

C.R.M. (NDPS) 328 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NCB Crime No.08/NCB/KOL/2021** dated **23.02.2021** under Section **8(c)** read with Sections **22/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Corresponding to NDPS Case No.N-31 of 2021).

And

In the matter of: Ajgar Dalal

....petitioner.

Mr. Ali Ahsan Alamgir
Ms. Riya Das
Ms. Rabia Khatoon

...for the petitioner.

Mr. Y.J. Dastoor, Ld. ASG
Ms. Mary Datta

... for the NCB.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that one co-accused was granted anticipatory bail and the other were granted bail. The shop from which the recovery was alleged to be made does not belong to the petitioner. The petitioner works in such shop room.

Learned Additional Solicitor General submits that two narcotics were seized both above commercial quantity from the shop belonging to the petitioner.

The petitioner is disputing the ownership of the shop. However, the petitioner is acknowledging that he worked in the shop.

Considering the fact that commercial quantity of narcotics was seized from the shop where, on the admission of the petitioner, he worked, we are of the view that the petitioner can be said to be in conscious possession of such narcotics. Consequently, we are of the view that the petitioner is unable to rebut the presumptions under Section 37 of the NDPS 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) 328 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)