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(AD)

01.04.2022

Court No.29

(Rejected)

C.R.M. (NDPS) 334 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Banshihari** P.S. Case No.**151 of 2020** dated **10/11/2020** under Sections **22/25/27A** of the Narcotic Drugs and Psychotropic Substances Act. (corresponding to Special Case No.83 of 2020).

And

In the matter of: Jargis Alam @ Jarjij Alam

....petitioner.

Ms. Busra Khatun

...for the petitioner.

Ms. Faria Hossain

Mr. Anand Keshari

... for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that no recovery was made from the possession of the petitioner. The police submitted charge sheet and, therefore, further detention of the petitioner is not required. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

Learned Advocate appearing for the State submits that the contraband was recovered from the vehicle owned by the petitioner.

Considering the fact that the petitioner is the owner of the vehicle from which commercial quantity of narcotics was recovered, the petitioner can be said to be in conscious possession of the same. Consequently, we are of the view that the petitioner is unable to overcome the restrictions 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) 334 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)