

CRM (NDPS) 363 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 05.04.2022 in connection with Kaliachak P.S. Case No. 314 of 2020 dated 19.04.2020 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of: **Pankaj Dey**

... ...Petitioner

Mr. Joytirmoy Adhikary, Advocate

... ... For the Petitioner

Mr. Swapan Banerjee, Advocate

Mr. Suman De, Advocate

... ... For the State

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that one of the co-accused was granted anticipatory bail by the Coordinate Bench. The petitioner is in custody in excess of two years.

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

From the co-accused who was granted anticipatory bail no recovery was made, as appearing from the order of the Coordinate Bench granting anticipatory bail. Therefore, the petitioner does not stand on the same footing as that of such co-accused.

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 NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

CRM (NDPS) 363 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)