

C.R.M. (NDPS) 389 of 2022

18.04.2022
Sl. 44
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Dankuni** Police State Case No. **155** of **2021** dated **31.05.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section **25/27** of the Arms Act.

And

In the matter of: **Sk. Surab @ Mania**

....petitioner.

Mr. Sambhunath De

...for the petitioner.

Mr. Neguive Ahmed, Ld. APP

Ms. Trina Mitra

...for the State.

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of 330 days. He refers to the earlier order of rejection and submits that the rejection was at that stage.

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that commercial quantity of narcotic was seized from the possession of the petitioner and considering the fact that the ground of lack of independent witnesses was raised at the time of earlier order of rejection, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Moreover, there is hardly any material change in circumstances subsequent to the earlier order of rejection.

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

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

C.R.M. (NDPS) 389 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

