

C.R.M. (NDPS) 397 of 2022

22.04.2022
Sl. 46
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kaliyaganj** Police Station Case No. **360** of **2021** dated **23.07.2021** under Sections **21/22/23** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Faruk Ali**

....petitioner.

Mr. Sayan De
Mr. Kaustav Shome
Mr. Sayan Kanjilal

...for the petitioner.

Mr. T. D. Nandy
Mr. Antarikhya Basu

...for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner possessed requisite license under the Drugs and Cosmetics Act. He draws the attention of the Court to the license granted under the Drugs and Cosmetics Rules, 1945. He submits that within a short span of the license expiring, the police case was started. He contends that four of the witnesses of the prosecution failed to give any material evidence against the petitioner.

Learned advocate appearing for the State submits that firstly the license stood expired. Secondly, the license was not in respect of schedule H drugs which was seized from the possession of the petitioner. Moreover, the trial is in progress.

Considering the fact that commercial quantity of narcotic was seized from the possession of the petitioner over which, the petitioner did not possess any license even an expired license for the purpose of storing the same, we are of the view that the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 are attracted. The petitioner is unable to overcome the provisions of

Section 37 thereof.

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

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

C.R.M. (NDPS) 397 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

