

21.04.2022
Serial no.41
KS

CRM(NDPS) 399 of 2022

In re: An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No.33 of 2022 dated 18.01.2022 under Sections 21(c)/29 of the N.D.P.S. Act, 1985.

-And-

In the matter of: **Abdul Jubber Sk alias Mega alias Abdul Jubbar Sk**

Mr. Abdul Aziz Mondal
.....for the petitioner
Mr. Saibal Bapuli
Mr. B. Bhattacharya
.....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, no recovery was made from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused.

Learned advocate appearing for the State submits that initially one person was arrested with commercial quantity of narcotic. From his leading statement, the petitioner was arrested. Thereafter, on the leading statement of the petitioner, another tranche of narcotic was seized. He refers to the seizure list.

The seizure list contains the signature of the petitioner. The quantity of narcotics is however not specified therein.

The seizure occurred consequent upon the leading statement of the first person who was arrested with commercial quantity of narcotic. On his statement, the petitioner was arrested and thereafter, the second seizure was made. In such gamut of circumstances, it cannot be said with certainty that there is no nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

Consequently, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. We are unable to grant bail to the petitioner.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM(NDPS) 399 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)