

10.05.2022

Sl. 40
Court No.29
suvayan
(rejected)

C.R.M. (NDPS) 448 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kolaghat** P. S. case No. **430/2021** dated **23/10/2021** under Sections **22/24/25/27(A)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Sk. Samsur

....petitioner.

Mr. Kallol Mondal

Mr. Amal Krishna Samanta

Mr. Krishan Ray

...for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner refers to the case diary and the seizure list.

Learned Advocate appearing for the State submits that two vehicles were intercepted. The first vehicle was occupied by the petitioner and the another person. The second vehicle from where the commercial quantity of narcotic was occupied by the father of the petitioner and three other persons. The first vehicle which was occupied by the petitioner was escorting the second vehicle. All the seizures were made at the same time and at the same place.

Considering the fact that the seizures were made at the same time and place and considering the interception of two vehicles and considering the fact that the father of the petitioner was in the second vehicle intercepted, we are of the view that the petitioner can be said to in conscious possession of the commercial quantity of narcotic that was seized.

Consequently, we are of the view the petitioner is unable to

overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

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

C.R.M. (NDPS) 448 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)