

42 12.05.2022
(AD) Court No.29
(Rejected)

C.R.M. (NDPS) 464 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sagardighi** P.S. Case No.**478 of 2021** dated **13.12.2021** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985(corresponding to NDPS Case No.277 of 2021).
And

In the matter of: Jamirul Sk.

....petitioner.

Mr. Soumyajit Das Mahapatra

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Debjani Dasgupta

... 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.

Learned Advocate appearing for the State submits that there are call details recording between the petitioner and the co-accused arrested with the commercial quantity of narcotics. The investigations are yet to be concluded.

There are call details recording establishing the nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

In such circumstances, it cannot be said that the petitioner was not in conscious possession of the narcotics seized. Consequently, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the

NDPS Act, 1985. We, therefore, unable to grant bail to the petitioner.

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

C.R.M. (NDPS) 464 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)