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(AD)

31.03.2022

Court No.29

(Rejected)

C.R.M. 4178 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.22 of 2020 arising out of **Kaliachak** P.S. Case No.**314 of 2020** dated **19/04/2020** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Minnatullah

....petitioner.

Mr. Milan Mukherjee, Sr. Adv.
Md. Salahuddin
Md. A. Zaman
Mr. Dattatreya Dutta
Md. Raziuddin

...for the petitioner.

Mr. Sanjay Bardhan
Ms. Sujata Das

... for the State.

Petitioner seeks bail.

Learned Senior Advocate appearing for the petitioner submits that the petitioner is in custody for 700 days. He submits that it is alleged that 255 grams of brown sugar was recovered from the joint possession of the petitioner and the other co-accuseds. He also submits that the weighment of the goods seized itself is doubtful.

Learned Advocate appearing for the State draws the attention of the Court to the seizure list and to the materials in the case diary.

Considering the fact that the commercial quantity of narcotics was recovered from the joint possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act,

1985. Consequently, we are unable to grant bail to the petitioner. The veracity of the weighment made of the goods seized is a subject-matter of trial, if such issue is raised thereat.

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

C.R.M. 4178 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)