

22.06.2022
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 611 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.06.2022 in connection with Kaliachak Police Station Case No. 1006 of 2020 dated 08.12.2020 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.94 of 2020)

And

In Re: **Sakiul Sk.**

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. C. R. Ghosh

... .. for the State

Petitioner prays for statutory bail.

Learned advocate appearing for the State submits police report was filed on 08.11.2021. No prayer for statutory bail had been filed prior to filing of the police report.

We have considered the materials on record. Police report was filed on 08.12.2021. Application for statutory bail was filed on 09.11.2021 i.e. a day after filing of police report. In view of the law declared by the Hon'ble Apex Court in **Uday Mohanlal Acharya vs. State of Maharashtra**¹ and as petitioner had not availed his right to statutory bail before filing of police report, we are of the view he is not entitled to such relief.

Even on merits we note statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 450 gms. of *Yaba tablets*, which is above commercial quantity from the petitioner. In view of the aforesaid fact and

¹ (2001) 5 SCC 453

bearing in mind the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)