

08.07.2022
cm/ct 28

C.R.M. (NDPS) No. 746 of 2022

sl. no. 1

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Andal P.S Case No. 171 of 2022** dated **20.05.2022** under Sections **21 (C)/29** of the N.D.P.S. Act.

Rejected

And

In Re : Sk. Amir Ali @ Amir Ali

..... petitioner

Mr. Apurba Kumar Datta

..... for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

.... for the State.

Petitioner is in custody for more than two months. It is contended on behalf of the petitioner that recovery of narcotic substance from his possession is 4 gms of Heroin which is below commercial quantity.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document namely, seizure list disclose recoveries were made from the petitioner and co-accused to the tune of 4 gms and 266 grms respectively. They were apprehended together and the materials on record show commonality in possession of the aforesaid quantity of narcotic substance.

In view of the aforesaid incriminating facts, we are of the opinion it may be incorrect to assess culpability qua individual possession of narcotic substance. Total recovery of narcotics is above commercial quantity and in light of the statutory restrictions

under Section 37 of the N.D.P.S. Act, we are not inclined to grant bail to the petitioner at this stage.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)