

C.R.M. 6607 of 2021

18.04.2022
Sl. 81
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Raghunathganj** Police Station Case No. **225** of **2019** dated **16.05.2019** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Abu Taher Sk @ Abu Taher & Ors.**

....petitioners.

Mr. Niladri Sekhar Ghosh
Mr. Tapadip Gupta
Mr. Sourav Mondal

...for the petitioners.

Mr. Rudradipta Nandy

...for the State.

Petitioners pray for bail.

Learned advocate appearing for the petitioners submits that although commercial quantity of narcotic was shown to be seized from the possession of the petitioners, the seizure list was prepared without any independent witnesses. The constable who witnessed the seizure failed to identify the petitioners at the time of the evidence.

Learned advocate appearing for the State submits that the trial is in progress.

Considering the fact that the trial is in progress and considering the fact that commercial quantity of narcotic was seized from the possession of the petitioners, we are of the view that the petitioners are unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant bail to the petitioners.

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

C.R.M. 6607 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

