

25.08.2022.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 971 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.46 of 2021 arising out of Kaliachak P.S. Case No.566 of 2021 dated 29.05.2021 under Sections 21(C)/25/29 of the NDPS Act read with Section 18(b)/27 of the Drugs and Cosmetic Act.

In the matter of : Raisuddin @ Rayesuddin Mia.
... Petitioner.

Mr. Mounick Ghosh.
...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for 78 days. It is submitted no narcotic substance was recovered from his possession.

Learned Advocate appearing for the State opposes the prayer for bail and submits he is the owner of the house wherefrom recovery of narcotic substance was made.

We have considered the materials on record. Petitioner is the owner of the premises wherefrom narcotic substance above commercial quantity was made. The aforesaid circumstances prima facie establishes the petitioner in dealing in narcotic substance above commercial quantity.

Under such circumstances and bearing in mind the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)