

31.03.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M. 8405 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Narcotics Control Bureau Crime** No. **21/NCB/Kol/2016** dated 09.06.2016 under Sections 8(c)/15(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Tapas Sarkar

..... petitioner

Mr. Soumajit Chatterjee

....for the petitioner

Mr. Y. J. Dastoor

....for the NCB

Petitioner renews the prayer for bail.

Commercial quantity of narcotic was seized from the possession of the petitioner.

Learned Additional Solicitor General appearing for NCB submits that 3400 kgs. of 'poppy straw' was seized from the vehicle, which the petitioner was driving. The Court is also informed that there is a stay granted by the revisional Court on the proceeding. Therefore, it cannot be said that prosecution is indolent so far as the trial is concerned. One of the accuseds obtained an order of stay on the trial.

Considering the fact that commercial quantity of narcotic was seized from the 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.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM 8405 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)