

59. 18.10.2022
Ct.29 Tanmoy/TN

Rejected

CRM (NDPS) 1242 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with N-226/2020 arising out of Swarupnagar Police Station Case No. 597 of 2020 dated 05.11.2020 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: - **Rajesh Sardar @ Rajesh Mondal**

...petitioner.

Mr. Satadru Lahiri,
Mr. Safdar Azam,
Mr. Shirsho Dasgupta

...for the petitioner.

Mr. Sanjoy Bardhan,
Mr. C.R. Ghosh

...for the State.

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that no narcotic was recovered from the possession of the petitioner.

Learned Advocate appearing for the State draws the attention of the Court to the facts and materials in the case diary. He submits that the raiding party identified the petitioner who fled away from the spot.

There are statements recorded under Section 161 of the Code of Criminal Procedure, 1973 in the case diary and the members of the raiding party stated that the petitioner fled away from the spot and that the raiding party was able to identify the petitioner as a person fleeing away from the spot.

The raiding party seized commercial quantity of narcotics.

The petitioner in the facts and circumstances of the present case is unable to rebut the presumptions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

Accordingly, the application for bail being CRM (NDPS) 1242 of 2022 is rejected.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)