

15.11.2022
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 1330 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.11.2022 in connection with N. Case No.19 of 2022 arising out of NCB Crime No.06/NCB/KOL/2022 under Sections 8(c)/21(c)/20(b)(ii)(B)/25/28/29/54 of the NDPS Act.

And

In Re: ***Krishnapada Paul***

... .. Petitioner

Mr. Shataroop Purukayastha
Mr. Jagriti Bhattacharya

... .. for the petitioner

Mr. Kallol Mondal

... .. for the NCB

It is submitted on behalf of the petitioner that no narcotic substance was recovered from him. Recovery from a house and car cannot be related to him. There is no compliance of Section 50 of the NDPS Act.

Learned advocate appearing for the NCB opposes the prayer for bail and submits petitioner is the tenant of the house wherefrom narcotic substance above commercial quantity was recovered. He also had control and dominion over the vehicle from where further recoveries were made.

We have considered the materials on record. Statements of witnesses show petitioner had control and dominion over the house as well as the vehicle from where narcotic substance above commercial quantity was recovered. Recovery of narcotics from a house or vehicle does not attract the statutory requirements of Section 50 of the NDPS Act. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is thus **rejected**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)