

09.02.2022
Sl. 01
Court No.29
suvayan
(Rejected)

**HIGH COURT AT CALCUTTA
THE CIRCUIT BENCH AT JALPAIGURI**

**C.R.M. (NDPS) 36 of 2022
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.02.2022 in connection with **Bhaktinagar** Police Station Case No. **558 of 2021** dated **27/05/2021** under Section **21(c)/22(c)** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Dilip Roy @ Budaru Roy

....petitioner.

Mr. Ranadeb Sengupta
Ms. Madhusree Dutta

...for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Biswarup Roy

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that considering the period of detention of the petitioner and considering the fact that the quantity is in excess of only 4 grams was seized so as to bring it within the purview of commercial quantity and taking into consideration the weight of the packing material, the narcotic is less than the commercial quantity and, therefore, under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are not attracted.

Learned Advocate appearing for the State relies upon the case diary and submits the commercial quantity was seized from the possessing of the petitioner.

It is contended on behalf of the petitioner that the petitioner is suffering from cardiac problems.

The Superintendent of the Correctional Home where the petitioner is lodged, is requested to ensure that adequate medical assistance rendered to the petitioner as and when require.

Considering the fact that commercial quantity of narcotic was recovered 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

Narcotic Drugs and Psychotropic Substances Act, 1985.

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

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

C.R.M. (NDPS) 36 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

