

27.03.2023.
14.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 509 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.98 of 2022 arising out of Hili P.S. Case No.274 of 2022 dated 01.12.2022 under Sections 20(b)(ii)/21(c)/22(c)/23(c)/27A of the NDPS Act.

In the matter of : Pavitra Mali @ Pavitro Mali.
... Petitioner.

Ms. Sabnam Laskar.
...for the Petitioner.

Mr. Swpan Banerjee,
Mr. Suman De.
...for the State.

Petitioner submits recovery was from a paddy field.

He had no conscious possession. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. BSF personnel who were patrolling the area noticed suspicious activities. They noticed four persons in the paddy field. Three of them fled away but the petitioner was arrested. Narcotics was found at a nearby spot in the paddy field. These circumstances *prima facie* show constructive possession of the petitioner over the narcotics recovered at the spot.

Under such circumstances and in view of 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)