

12.06.2023
Sl. 31
Court No.29
sdas
(Rejected)

C.R.M. (NDPS) 1106 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in arising out of **Lalgola P. S. Case No. 29 of 2022** dated **25.01.2022** under Sections **21(c)/29** of the NDPS Act arising out of NDPS case No. **36/2022**.

And

In the matter of: **Ananda Mondal @ Ananda Kumar Mandal**

....petitioner

Mr. Anisur Rahman

...for the petitioner.

Mr. Sandip Chakraborty

...for the State.

1. Heard the learned Counsel for both the parties.
2. 310 grams of Heroin is alleged to have been seized from the ancestral house of the present petitioner on the basis of statement of the present petitioner which assumes relevance under Section 27 of the Evidence Act.
3. Regard being had to the facts and submissions, the fact that the quantity of Heroin seized is a commercial quantity and bar under Section 37 of the NDPS Act, we are not inclined to exercise our discretion in favour of the petitioner under Section 439 of the Cr.P.C. at this stage.
4. Accordingly, the prayer for bail of the petitioner is rejected.
5. CRM (NDPS) 1106 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)