

08.08.2023.
17.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1368 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N-35 of 2022 arising out of Barrackpore P.S. Case No.95 of 2022 dated 03.04.2023 under Section 20(b)(ii)(C) of the NDPS Act.

In the matter of : Pranab Biswas @ Pranob.
... Petitioner.

Mr. Debasis Kar.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.
...for the State.

Petitioner submits no narcotics was recovered from his possession. He has been falsely implicated.

Learned Advocate for the State opposes the bail prayer. He submits recovery was from the bed room of the petitioner.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 56 kgs. of ganja from the bed room of the petitioner. This *prima facie* establishes his constructive possession over the narcotics.

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.)