

14.12.2023

Item No.1

Ct. No. 5

CHC
(Rejected)

C.R.M.(NDPS) 2000 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with T.R Case No.07/2022 arising out of FIR No.06/2022 at Golabari Police Station dated 06.01.2022 under Sections **27A/28/29/30** of the Narcotics Drugs and Psychotropic Substances Act, 1985, adding Section **21(c)** of the NDPS Act.

And

In the matter of: Babar Mondal & anr.

..... petitioners

Ms. Ashima Mandal,
Ms. Anwasha Halder,
Mr. Surya Pratap Singh
....for the petitioners

Mr. Antarikhya Basu
....for the State

Commercial quantity of narcotics were recovered from the exclusive possession of the petitioners.

Learned advocate appearing for the petitioners submits that there is non-compliance of Section 42 of the N.D.P.S. Act, 1985.

The materials in the case diary suggest compliance in any event, simpliciter non-compliance is not sufficient.

In view of the commercial quantity of narcotics being involved, we are of the view that, petitioners are unable to

overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

Prayer for bail of the petitioners is rejected.

CRM(NDPS) 2000 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)