

29.12.2023.

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MNS/mb.

C.R.M.(NDPS) 2099 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.12.2023 in connection with Basudebpur Police Station Case No. 139 of 2023 dated 30.08.2023 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Sakeel Ahamed ... petitioner

Mr. Arnab Chatterjee ...For the petitioner

Mr. Arijit Ganguly,
Ms. Rita Dutta ..For the State

1. The learned counsel appearing for the petitioner submits that the recovery took place during night at about 12 and in respect of the said recovery at that point of time printed notices have been served. He further submits that wherefrom recovery took place is the great question mark.
2. Banking upon the aforesaid fact, the learned counsel prays for bail of the petitioner.
3. Learned Additional Public Prosecutor appearing for the State opposes the prayer for bail of the petitioner and submits that contraband substance recovered from the possession of the petitioner is commercial quantity. He further submits that charge sheet has not yet been filed since Forensic Science Laboratory report has not yet been received and there is no laches on the part of the prosecution. As such, learned Additional Public Prosecutor prays for rejection of the bail.

4. On going through the records it reveals that the contraband substance recovered from the exclusive possession of the petitioner is commercial quantity.
5. Considering the aforesaid facts and also considering the fact that FSL report has yet to be received and also taking into consideration the mandate under Section 37 of the NDPS Act, the prayer for bail of the petitioner is rejected at this stage.

(Hiranmay Bhattacharyya, J)

(Supratim Bhattacharya, J.)