

25.02.2025

DL-59

Court No.26

CRM (NDPS) 2004 of 2024

*(Bail **Rejected**)*

(AD)

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/ under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 72/23 arising out of **Ranaghat** Police Station Case No.**630** of **2023** dated **27.09.2023** under Sections **21(c)/25/28/29** of Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : Achintya Kumar Kirtaniya @ Achinta Kumar Kirtania

... ..Petitioner

Mr. Sumanta Chakraborty, Advocate

... .. For the Petitioner

Mr. Suman De, Advocate

Ms. Rita Dutta, Advocate

... ...For the State

1. Commercial quantity of contraband was seized from the vehicle driven by the petitioner.
2. Constructive possession of such contraband so far as the petitioner is concerned cannot be overlooked.
3. Witness action commenced from February 21, 2025.
4. The police case is of 2023.
5. Period of detention coupled with the fact that the trial commenced does not permit us to arrive at a finding that there is a breach of Article 21 of the Constitution of India so far as the petitioner is concerned.

6. Petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.
7. In such circumstances, we are not inclined to grant bail to the petitioner.
8. Accordingly, the prayer for bail of the petitioner is **rejected**.
9. **CRM (NDPS) 2004 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)