

04.12.2020

CRM 9779 of 2020

Court No. 12
Item No. 03
nandy

(BAIL – REJECTED)

In Re: An application for Bail under Section **439** of the Code of Criminal Procedure filed on 24.11.2020 in connection with Coochbehar Kotwali Police Station Case No. 211 of 2020 dated 19.06.2020 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act. (NDPS Case No. 39 of 2020).

and

In the matter of: **Shyam Prasad Biswas & Anr.**

..... Petitioners

Mr. Anirban Banerjee, Advocate

Ms. Madhushri Dutta, Advocate

.....for the Petitioners

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.

Mr. Saurav Ganguly, Advocate

.....for the State

The petitioners undertake to affirm and stamp the petition as per the Rules within one week of resumption of the normal functioning of the court. The petition is taken up for hearing on the basis of such undertaking.

The learned Advocate for the petitioners submits that the case has been initiated against them without any role ascribed to their conduct or complicity to the alleged offence and, therefore, they should be released on bail.

The learned Advocate for the State opposes the prayer for bail. It is submitted that commercial quantity of contraband (Ganja) was recovered from the possession of the accused persons and since the recovery was made directly from the possession of the petitioners, they are not entitled to bail under the provisions of the Narcotic Drugs and Psychotropic Substances Act.

Having considered the respective submissions and upon perusal of the memo of evidence and the materials annexed thereto including the fact that the earlier application for bail being

CRM 6340 of 2020 filed before this Court was rejected on September 14, 2020, we do not find any changed circumstances justifying the release of the petitioners on bail. Furthermore, the petitioners have not been able to make out any case for taking exception to Section 37 of the Narcotic Drugs and Psychotropic Substances Act as commercial quantity of contraband was recovered from their possession.

In view of the above, the prayer for bail is **rejected**.

CRM 9779 of 2020 is dismissed.

(Harish Tandon, J.)

(Hiranmay Bhattacharyya, J.)