

14.09.2021
Item no. 33
Court No.32.
S.De.
(Dismissed)

(Via Video Conference)

CRM No. 747 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 19.01.2021 in connection with N.D.P.S. Case No. 156 of 2019 under Sections 21(c)/28/29 of Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Lakhan Ghosh.

.....Petitioner.

Ms. Sreyashee Biswas, Advocate,
Mr. S. Pal, Advocate,

.....for the Petitioner.

Mr. Y.J. Dastoor, Ld. A.S.G.,
Mr. Phiroze Edulji, Advocate,
Mr. Rajesh Kumar Shah, Advocate,

.....for the Union of India
(N.C.B.).

The petitioner says that he had no connection with the alleged drug dealing by the co-accused persons. He only happened to be with one Rinku from whom commercial quantity of drugs was recovered.

We have considered the material on record. Prima facie, it appears that the petitioner had active complicity in the alleged offence. He was with Rinku and other accused persons when the recovery was made. Prima facie, it is difficult to believe that the petitioner was not aware that his friend Rinku was carrying drugs for the purpose of selling

them to one Ismail who incidentally was caught carrying a huge amount of fake Indian Currency Notes.

On an overall consideration of the material on record, we are of the view that this is prima facie a case of joint possession of commercial quantity of contraband items. In view of the restrictions in Section 37 of the N.D.P.S. Act, we are not inclined to entertain the petitioner's prayer for bail.

Accordingly, CRM 747 of 2021 is dismissed.

However, the petitioner says that he has been in custody for two years and one month. September 20, 2021 has been fixed as the date for consideration of charges. In view of the fairly long period of detention of the petitioner, we request the learned Trial Court to expedite the consideration of charges and generally bring the trial to an early conclusion to the extent the business of the Court may permit.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)