

15.03.2021
Court No.28
Item No. 29
Krishnendu
Bail Rejected

CRM 793 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Himanshu Singh

Petitioner

Mr. A.J. Sengupta
Mr. Nilendra Narayan Ray

For the Petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kansa Police Station Case No. 387 of 2019 dated 28.11.2019 under sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Sengupta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against the petitioner are unfounded. He was the driver of the truck from which the contraband substance was recovered. Upon completion of investigation, charge sheet has also been filed and as such further detention of the petitioner, who is in custody about 450 days, is not warranted in the facts and circumstances of the case.

Mr. Roy Chwodhury, learned advocate appearing for the State opposes the petitioner's prayer for bail and submits that the charge sheet has been submitted. Two co-accused persons are still absconding. There had been recovery of contraband substance above the commercial quantity.

We have perused the materials in the case diary, including the seizure list wherefrom, *prima facie*, it appears that the contraband

substance, above the commercial quantity, was recovered. Considering the gravity of the offence and the extent of complicity, we are of the opinion that the petitioner has not been able to overcome the rigors of section 37 of the N.D.P.S. Act and as such, his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM No. 793 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)