

18.03.2021

CRM 800 of 2021

Court No.28
Item No.75

akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 18.01.2021 in connection with Kalna Police Station Case No. 288 of 2019, dated 16.05.2019 under Sections 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Pran Pratim Bora.**

...Petitioner

**Mr. Md. Shahajahan Hossain,
Ms. Sanjida Sultana.**

...For the Petitioner

**Mr. Rana Mukherjee,
Mr. Santanu Chatterjee.**

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Kalna Police Station Case No. 288 of 2019 under Sections 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

Learned Advocate appearing for the petitioner submits that he has been implicated in connection with the aforesaid case despite the fact that the contraband was not recovered from his exclusive possession. It is further submitted that he is languishing in jail for a period of 660 days and there is no sign of trial to be commenced in the near future.

Learned Advocate for the State opposes the prayer for bail. It is submitted that 400 Kg. of Ganja was recovered from a car in which the petitioner along with co-accused were travelling, which would be corroborated from the facts recorded in the seizure list.

After hearing the submissions of the respective Counsels and on perusal of the materials available in the case diary including the seizure list and the statement of the witnesses and considering the fact that commercial quantity of contraband was recovered from the

joint possession of the petitioner and the other co-accused, as they were travelling in the said car, we do not think that the petitioner has been able to make out a ground for taking exception of Section 37 of the N.D.P.S. Act.

The application for bail, being CRM 800 of 2021, is thus **dismissed**.

However, the State is directed to take steps immediately for commencement of trial.

(Harish Tandon, J)

(Tirthankar Ghosh,J.)