

23.03.2021

Item No.89

Ct.No.28

Subha

rejected

C.R.M. 1038 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with N 124/2020 arising out of Basirhat Police Station Case No. 770 of 2020 dated 24-06-2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act,

In the matter of : Bhairab Sarkar & Anr. ... Petitioners.

Mr. Angshuman Chakraborty

... For the Petitioners.

Mr. Rana Mukhejee, Id. A.P.P

Ms. Sujata Das

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners with N 124/2020 arising out of Basirhat Police Station Case No. 770 of 2020 dated 24-06-2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act,

A commercial quantity of contraband was recovered from the joint possession of the present petitioners and the other accused and the petitioners are languishing in jail since 24th June, 2020.

The charge-sheet and the supplementary charge-sheet after obtaining chemical examiner's report had already been submitted but the charge has not been framed as yet.

Be that as it may, since the commercial quantity was recovered directly from the joint possession of the petitioners/other co-accused and Section 37 of the N. D. P. S Act is attracted in this case, we do not think that this is a fit case to release the present petitioners on bail and as such, the prayer for bail of the petitioners is rejected.

With the aforesaid observations, the application for bail being CRM 1038 of 2021 is, accordingly, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)