

25.03.2021
Court No.28
Item No. 113
Krishnendu
Bail Rejected

CRM 1316 of 2021
(Via video Conference)

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

And

In Re : **Sk. Sabir Ali**

Petitioner

Mr. Kajal Ray

Mr. Aditya Sen

For the Petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nakashipara Police Station Case No. 615 of 2020 dated 05.12.2020 under section 21(c) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (N.D.P.S. Case No. 83 of 2020).

The learned advocate for the petitioner submits that the petitioner is in custody since 5th December, 2020 and the recovery of 265 grams of Heroin was from the possession of Subhankar Panja and the petitioner was simply a driver of the said vehicle.

The learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the seizure list which reflects that allegedly the petitioner was present when the recovery was effected.

Having regard to the fact that the contraband so recovered is of commercial quantity, we are of the opinion that the provisions of section

37 of the N.D.P.S. Act are attracted in the case and as such the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 1316 of 2021, is dismissed.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)