

25.03.2021
Item No.137
Ct.No.28
dc.
Rejected

C.R.M. 1379 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Prasenjit Basu**

... Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatoon

... For the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Banshihari P.S. Case No. 151 of 2020 dated 10.11.2020 under Sections 22/25/27A of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 83 of 2020).

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The recovery of contraband substance was from a vehicle which was being driven by the petitioner. The petitioner is languishing in custody for more than 135 days and in the said conspectus, further detention of the petitioner is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list.

Having heard the learned advocates and considering the materials in the case diary including the seizure list, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence and as contraband substance, above commercial quantity, was recovered from the possession of the petitioner and another co-accused, we are of the opinion that the provisions of Section 37 of the N.D.P.S. Act are attracted and the petitioner is not entitled to bail. As such, the petitioner's prayer for bail is **rejected** at this stage.

The application for bail, being CRM 1379 of 2021, is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)