

25.03.2021
Court No.28
Item No. 141
Krishnendu
Bail Rejected

CRM 1386 of 2021
(Via video Conference)

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

And

In Re : Ajijul Sk. & Anr.

Petitioners

Mr. Subrata Karmakar

For the Petitioners

Mr. Binay Panda

Mr. Subham Bhakat

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Sagardighi Police Station Case No. 05 of 2020 dated 06.01.2020 under sections 21 (c)/29 of the N.D.P.S. Act.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. Similarly situated co-accused persons have already been granted anticipatory bail. Upon completion of investigation, charge sheet has also been submitted and as such further detention of the petitioners, who are in custody for more than one year, is not warranted in the facts and circumstances of the case.

The learned advocate appearing for the State opposes the petitioners' prayer for bail and draws our attention to the seizure list.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary, including the seizure list wherefrom it appears that the contraband substance above commercial quantity was recovered from the joint possession of the petitioners and as such, in our opinion, the provisions of section 37 of the

N.D.P.S. Act are attracted and the petitioners are not entitled to be released on bail. Accordingly, the petitioners' prayer for bail is rejected at this stage.

The application for bail, being CRM No. 1386 of 2021 is, thus, 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.)