

18.06.2021
12
SKB/AB

CRM No. 2174 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sankrail Police Station Case No. 1063 of 2020 dated 09.11.2020 under Sections 21(C)/29 of the N.D.P.S. Act.

And

In Re:- Mofijul Laskar @ Bomb Mofi

... Petitioner

Mr. Bikash Ranjan Bhattacharjee, Sr. Adv.,
Mr. Sayan Chattopadhyay,
Mr. Imtiaz Ahamed

... for the petitioner

Mr. Sanjay Bardhan,
Ms. Manisha Sharma,
Mr. Palash Chandra Manjhi

...for the State

Mr. Bikash Ranjan Bhattacharjee, learned Senior Advocate appearing for the petitioner submits that the petitioner is in custody since 9th November, 2020 in connection with the aforesaid case, though he is neither the beneficiary nor the consumer of the contraband. He further submits that the investigation report would suggest a criminal conspiracy hatched against the petitioner and, therefore, the petitioner should be released on bail.

The learned advocate appearing for the State opposes the prayer for bail. It is submitted that the contraband of commercial quantity was recovered from the exclusive possession of the petitioner and, therefore, the petitioner is not entitled to bail. However, he ruled out the allegation of

criminal conspiracy as alleged by Mr. Bhattacharjee, which according to him, would not be evident from the record as well as the charge sheet which has already been submitted before the learned Special Judge.

After hearing the respective submissions and on perusal of the materials on record, it is no doubt true that the contraband of commercial quantity was recovered from the exclusive possession of the petitioner. It is a matter to be decided on trial whether the criminal conspiracy hatched against the petitioner, as the petitioner was merely a carrier, not a beneficiary or consumer of such contraband. We do not feel that the petitioner has been able to make out a prima facie case to take exception to Section 37 of the N.D.P.S. Act. The prayer for bail is, thus, rejected.

However, considering the nature of the allegations and that the charge sheet has already been filed, we request the learned Special Judge to take endeavour to bring the case to its logical conclusion at an earliest.

The application for bail being C.R.M. 2174 of 2021 is dismissed.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)