

11.08.2021

CRM 2257 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Krishnaganj P.S Case No.156 of 2020 dated 27.07.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act (N.D.P.S Case No.50 of 2020).

And

In Re: **Dhirendranath Chakraborty**

.....Petitioner.

For the Petitioner: Mr. Nabankur Paul.

For the Respondent: Mr. Koushik Mitra.

For the State: Mr. Sanjoy Bardhan,
Mr. Palash Chandra Maji

The instant application filed by the petitioner is for bail in connection with the aforementioned case.

It is submitted on behalf of the petitioner that in CRM 3786 of 2021 the co-accused was granted bail by a Coordinate Bench on 27th July, 2021, It is further submitted that no narcotic substance was recovered from the direct possession of the petitioner. He was arrested only on the basis of the statement made by co-accused persons, which is not admissible in evidence.

Learned P.P-in-Charge has opposed the prayer for bail on the ground that there is specific material in the CD against the accused.

We have carefully perused the case diary. It appears that on the basis of a leading statement made by the accused commercial quantity of phensedyl syrup was recovered from an abandoned house. Recovery of the contraband material prima facie suggests constructive possession of the said material by petitioner.

For the reasons stated above we are not inclined to release the petitioner on bail.

Prayer for bail is therefore rejected at this stage.

CRM No.2257 of 2021 is accordingly dismissed.

Bibek Chaudhuri, J. Rajesh Bindal, C.J (Acting)