

25.06.2021

Court No.28
Item No.19
(Rejected)

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As

CRM 2286 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kushmandi Police Station Case No. 76 of 2020, dated 23.08.2020 under Sections 21 (C)/23(C) of the N.D.P.S. Act.

And

In the matter of : **Sukhen Barman @ Suben Barman**
...Petitioner

Mr. Kaushik Choudhury,
Ms. Busra Khatun.

...For the Petitioner

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Soumik Ganguly.

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Kushmandi Police Station Case No. 76 of 2020 under Sections 21 (C)/23(C) of the N.D.P.S. Act.

The petitioner claims bail on the premise that he being a driver was not supposed to know the articles carried by the passenger. It is further submitted that the passenger fled away from the spot and the petitioner has been apprehended. The recovery of the contraband was shown from his exclusive possession.

While opposing the prayer for bail, the learned Advocate for the State submits that the contraband was recovered from the exclusive possession of the petitioner and, in fact, the owner of the vehicle is absconding.

After hearing the respective submissions and on perusal of the materials on record, we do not find that the petitioner has been able

to make out the case for taking exception to Section 37 of the N.D.P.S. Act.

Accordingly, the prayer for bail is rejected.

The application for bail, being CRM 2286 of 2021, is thus **dismissed**.

(Harish Tandon, J)

(Subhasis Dasgupta, J.)