

CRM 2481 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raninagar Police Station** Case No. **330 of 2018** dated **21.07.2018** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Prohllad Mondal & Anr.

.... Petitioners.

Mr. T. Gupta,

... For the Petitioners.

Mr. R. Mukherjee, Ld. APP
Mr. S. Das,
Mr. D. Sahoo,

... For the State.

The petitioners have been implicated under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. The prayer of the petitioner no. 2 for bail was rejected by a Coordinate Bench by an order dated December 19, 2019 passed in CRM 12043 of 2019.

The petitioners say that the recovery was made when they were in custody. The recovery was made from the banks of river Padma on the basis of the statements made by the petitioners. They had no control over the place from where the recovery was made and other people had access to such place. They have been in custody for about 3 years.

We have seen the material in the case diary including the seizure list. The recovery was made from the petitioners. The banks of river Padma is an extensive place. The petitioners pointed out exactly where the contraband items were. Hence, *prima facie*, it

appears that the petitioners were in constructive possession, to say the least, of the contraband items.

On an overall assessment of the material on record and also in view of the fact that charge has already been framed, we are not inclined to entertain the petitioners' prayer for bail.

Accordingly, the application for bail being CRM 2481 of 2021 is dismissed.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)