

CRM No.3344 of 2020

**Via video conference**

26.07.21

(S.R.)

Sl.12

Ct.30

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on April 23, 2020 in connection with NDPS Case No.78 of 2019 arising out of Chakdah Police Station Case No.363 of 2019 dated 04.08.2019 under Sections 21(C)/22(C) of the Narcotic Drugs and Psychotropic Substances Act;

And

**In re: Suraj Dewan @ Rintu**

**... petitioner.**

Md. Sabir Ahmed

... for the petitioner.

Mr. Saswata Gopal Mukherjee, PP

Mr. Ranabir Ray Chowdhury

Ms. Faira Hossain

... for the State.

Mr. Ahmed, learned advocate appearing for the petitioner submits that upon hearing the learned public prosecutor and upon considering the documents placed, a coordinate bench of this Court by an order dated 28<sup>th</sup> April, 2020 was pleased to grant interim bail to the petitioner and he has complied with the conditions, as incorporated in the said order. The said interim order stands extended in view of the judgment delivered by the Special Bench of this Court in respect of cases pending during the pandemic period. Upon completion of investigation, charge sheet has also been submitted and in the said conspectus, the petitioner's interim bail may be confirmed.

He submits that the petitioner has been falsely implicated and he is a driver by profession and is not in any way connected with the consignment of psychotropic substances.

Mr. Mukherjee, learned public prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the seizure list and submits that it would be explicit from the records that contraband

substance above commercial quantity was recovered from the possession of the petitioner and that as such, the provisions of Section 37 of the NDPS Act are clearly attracted. The order dated 28<sup>th</sup> April, 2020 was passed during the pandemic period when it was not possible for the State authorities to produce all the relevant documents before the Court.

We have heard the learned advocates appearing for the respective parties and considered the materials on record. The seizure list reveals that contraband substance above commercial quantity was recovered from the petitioner and another. It further appears from the records that the driver was initially asked to stop the vehicle but he did not comply with such direction and upon chasing the vehicle the same was intercepted and contraband substance above commercial quantity was recovered. *Prima facie* the provisions of Section 37 of the NDPS Act are attracted and we do not find any reasonable ground for believing that the accused is not guilty and that he is not likely to commit any offence while on bail.

Accordingly, we are is not inclined to confirm the interim bail, as granted earlier on 28<sup>th</sup> April, 2020 and the application, being CRM No.3344 of 2020 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Subhasis Dasgupta, J.)**

**(Tapabrata Chakraborty, J.)**