

CRM 2826 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Doulatabad Police Station Case No.117 of 2020 dated 04-06-2020 under Sections 20c/29 of the NDPS Act.

- A n d -

In the matter of : Prasanta Roy

.... Petitioner.

Mr. Diptendu Benerjee,
Mrs. Sinthia Bala

... For the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat,
Ms. Puspita Saha

... For the State.

The petitioner says that there was no recovery from him. Recovery was made from a truck of which he happens to be the registered owner. He had no idea that the truck was being used for transporting commercial quantity of Ganja and other contraband items. He was requested by the actual offender to lend his truck which he did. He has no complicity in the commission of the offence.

We have seen the material in the Case Diary. Undisputedly, the petitioner is the owner of the truck from which commercial quantity of contraband was seized. It is hardly credible that the petitioner had no idea that his truck was being used for committing a criminal offence. *Prima facie*, the complicity of the petitioner in the alleged offence cannot be ruled out.

Although Charge Sheet has been submitted and the petitioner has been in custody for about seven months, yet on an overall consideration of the facts and circumstances of the case, we are not inclined to allow the petitioner's prayer for bail, at this stage.

Accordingly, the application for bail being CRM 2826 of 2021 is **dismissed**.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**