

02.06.2021

Sl. No.19

Court No.30

BM

CRM 3075 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

And

In the matter of: Rajdeep Pramanik

... Petitioner

Ms. Busra Khatoon ... for the petitioner

Mr. Binay Kumar Panda

Ms. Pushpita Saha ... for the State

The petitioner is incarcerated in jail for 84 days in connection with Balurghat Police Station case No.371 of 2018 dated 01.11.2018 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is submitted that the petitioner is no way connected with this case as nothing was recovered from his possession. Accordingly, the petitioner has sought for release on any condition.

Learned counsel for the State invited our attention to the seizure list at page 21 of Case Diary to submit that although the contraband was recovered from the possession of co-accused persons but the petitioner had managed to flee away from the scene.

Since, commercial quantity of contraband have been seized and the petitioner has been arrested on apprehension on the basis of the statement of the co-accused, at this stage, we are unable to construe prima facie case in favour of the petitioner that the petitioner is innocent in view of legal impediment embodied in the provision of

Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Hence, the prayer for bail is rejected as the materials on Case Diary is writ large to link involvement of the petitioner in trafficking of narcotics.

CRM 3075 of 2021 is dismissed.

(Aniruddha Roy, J.)

(Shivakant Prasad , J.)