

07.07.2021

(Via Video Conference)

Court No.28
Item No. PB-127
snandy/adas

CRM 3214 of 2021

(BAIL – REJECTED)

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 07.04.2021 in connection with Balagarh Police Station Case No. 115 of 2020 dated 23.08.2020 under Sections 29/20(b)(ii)(c) of the Narcotic Drugs & Psychotropic Substances Act. (NDPS Case No. 45 of 2020)

and

In the matter of: **Saifudin Sk.**

.....Petitioner

Mr. Suman Chakraborty, Advocate

.....for the Petitioner

Mr. Neguive Ahmed, Advocate

Mr. Md. Anwar Hossain, Advocate

Ms. Trina Mitra, Advocate

.....for the State

The petitioner has filed the instant application for bail in connection with Balagarh Police Station Case No. 115 of 2020 dated 23.08.2020 under Sections 29/20(b)(ii)(c) of the Narcotic Drugs & Psychotropic Substances Act.

The petitioner says that he stands on the same footing that of the other co-accused who had been enlarged on statutory bail and the trial Court has rejected the bail of the petitioner. It is further submitted that the contraband was not recovered from the exclusive possession of the petitioner and he has been implicated in the instant case on the basis of the statement of the co-accused.

Learned Advocate for the State submits that the petitioner and the other co-accused was arrested in connection with some other case and during the interrogation it is divulged that they are also involved in dealing with the contraband and on the basis of the disclosure raid was conducted in the house of the other co-accused and commercial quantity of contraband (Ganja) was

recovered and both the petitioner and the other co-accused signed on the seizure list. It is thus submitted that the petitioner has a direct complicity to the offence and, therefore, should not be enlarged on bail.

Upon hearing the respective Counsel and upon perusal of the materials available-on-record as well as the case diary, it appears that the petitioner's signature appears on the seizure list, which was prepared at the time of seizure of the contraband. It is a matter of trial whether the petitioner, in effect, put his signature voluntarily or otherwise, which cannot be gone into at this stage. We thus do not find any material for granting bail to the petitioner.

The prayer for bail is **rejected** at this stage.

The application being **CRM 3214 of 2021** is accordingly **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)