

C.R.M. 5215 of 2020

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with N.D.P.S. Case No. 157 of 2020 arising out of Ranitala P.S. Case No. 293 of 2020 dated 05.07.2020 under Sections 21 (C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Rajib Hossain

....petitioner.

Mr. Milan Mukherjee, Sr. Adv.,
Mr. Arnab Chatterjee

...for the petitioner.

Mr. Binay Panda,
Ms. Puspita Saha

...for the State.

The application under Section 439 CrPC seeking bail in connection with N.D.P.S. Case No. 157 of 2020 arising out of Ranitala P.S. Case No. 293 of 2020 dated 05.07.2020 under Sections 21 (C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, now pending before the learned Additional District & Sessions Judge, 2nd Court (Special Court under the N.D.P.S. Act), at Berhampore, Murshidabad.

Mr. Mukherjee, Counsel for the petitioner submits that his client is in custody for 338 days.

He further submits that there is no proof that the Bolero vehicle from which the quantity of phensedyl was seized, belongs to the petitioner. Mr. Mukherjee also submits that apart from the statement of a co-accused that no other evidence against his client.

This Court has carefully considered the evidence on record, the case diary and the memo of evidence.

The only consideration required to be effected by this court for grant of relief under Section 439 of the Code for a person charged under NDPS case is whether based on the evidence that has come on record, it is impossible to convict the petitioner.

Having considered the materials on record, this Court cannot arrive at any such conclusion. Further merely because the vehicle in question is not registered in the name of the petitioner, the same cannot ipso facto mean that the goods in the vehicle are not that of the petitioner.

It appears from the record of the case that the petitioner had fled away from the police custody while being transported from Court to J.C.

For the reasons stated above, C.R.M. 5215 of 2020 is hereby dismissed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)