

2.06.2021
S.D.
26.

CRM 3245 of 2021

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

And

In the matter of: **Liton Mondal**

....Petitioner.

Mr. Kaushik Chowdhury
Ms. Bursa Khatun

...for the petitioner.

Mr. Ranabir Roychowdhury
Mr. Mainak Gupta

...for the State.

The petitioner is praying for his release on bail in connection with the case of offence under Section 21(C)/22(C)/2 (C)/27A of the N.D.P.S. Act. The petitioner is in custody for 93 days as on this day.

Learned counsel for the petitioner submits that nothing was recovered from the possession of the petitioner and he has been nabbed in the case only on the basis of the statements of the co-accused who are also in correctional home.

Learned counsel for the State has invited our attention to the Case Diary including the statement and the co-accused at pages 10 and 11 and further materials in the Case Diary.

Having regard to the quantity of the contraband articles being commercial and considering the provision under Section 37 of the N.D.P.S. Act, it is not possible for us at this stage *prima facie* to hold that the accused petitioner is innocent.

Hence, the prayer for bail is considered but rejected.

Thus, the application being C.R.M. 3245 of 2021 is dismissed.

(Aniruddha Roy, J.)

(Shivakant Prasad, J.)