

28.07.2021

Court No.28
Item No.30
(Rejected)

Akd
&
As

CRM 3293 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with N.D.P.S. Case No.50 of 2020 arising out of Kaliachak Police Station Case No. 494 of 2020, dated 28.06.2020 under Sections 18(b)/29 of the N. D. P. S. Act.

And

In the matter of : **Nayeem Ansari @ Naim.**

...Petitioner

Syed Nasirul Hossain.

...For the Petitioner

**Mr. Sanjoy Bardhan,
Ms. Manisha Sharma.**

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Kaliachak Police Station Case No. 494 of 2020, dated 28.06.2020 under Sections 18(b)/29 of the N. D. P. S. Act.

The petitioner has renewed the prayer for bail after the rejection of his earlier application being C.R.M.10099 of 2020 on 9.12.2020.

Prima facie, we found that the petitioner was allegedly transporting the opium above the commercial quantity. Though it is claimed that the petitioner was simply a driver having no complicity of the offence but since the recovery was made from his possession, we do not think that the petitioner has been able to make out a case for taking exception to the provision contained in Section 37 of the N. D. P. S. Act..

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 3293 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)

