

27.09.2021
Court No.28
Item No.7
(REJECTED)
Saswata

CRM 3394 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Singur Police Station Case No. 73/2020 dated 09.03.2020 under Sections 20(b)(ii)(C)/29 of the NDPS Act;

And

In the matter of : **Asraful Islam**

...Petitioner.

Mr. Niladri Sekhar Ghosh
Mr. Tapadip Gupta

...For the Petitioner

Mr. Swapan Banerjee
Mr. Suman De

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Singur Police Station Case No. 73/2020 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

The instant application has been taken out by the petitioner seeking bail after being apprehended in connection with the aforementioned case on the premise that he has got no link nor connection in commission of the offence and has been apprehended solely on the statement of the witness, who is admittedly living outside the country.

The vehicle was intercepted and the contraband above commercial quantity was recovered therefrom. The co accused who were found inside the car, have been apprehended and subsequently it was admitted that the offending vehicle was owned by somebody else.

The investigating officer interrogated the said registered owner, who was able to satisfy the investigating officer that he has parted with the said vehicle in favour of another person. The said person

was then contacted, who is admittedly living in Tanzania and a power of attorney was handed over to the investigating officer that the present petitioner has been appointed as a constituted power of attorney to look after the said vehicle.

Learned Advocate for the petitioner submits that he has got no link with the registered owner or subsequent owner, nor he is aware of the power of attorney being executed in this regard.

From the photocopy of the power of attorney, it appears that the signature of the petitioner is appearing and whether the signature is genuine or not, is a matter of trial.

The principal, who allegedly executed the power of attorney is a resident of Tanzania and appears to have been pursuing academic career, therein.

Since prima facie materials have been found against the petitioner, we do not think that this is a fit case where the petitioner has been able to make out a case for taking exception to Section 37 of the NDPS Act.

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

The application for bail being CRM 3394 of 2021 is accordingly ***dismissed.***

(Harish Tandon, J)

(Bibek Chaudhuri,J.)