

29.07.2021
Item no. 27
Court No.32.
S.De.(s)
(rejected)

(Via Video Conference)

CRM 3616 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 27.04.2021 in connection with Sagardighi Police Station Case No. 479 of 2019 Dated 19.09.2019 under Section 21 (C)/29 of the NDPS Act.

And

In the matter of : Tetul Ghosh @ Tentul Ghosh.

.....Petitioner.

Mr. Manjit Singh, Advocate,
Mr. G. Singh, Advocate,
Mr. Biswajit Mal, Advocate,

.....for the Petitioner.

Mr. Sanjoy Bardhan, Ld. A.P.P.,
Mr. Manisha Sharma, Advocate,

.....for the State.

The petitioner is in custody for about 147 days and prays for bail. The petitioner is charged with offence punishable under Sections 21(C)/29 of the N.D.P.S. Act. Admittedly, the petitioner is the registered owner of the vehicle from which the narcotic substance above commercial quantity was recovered. It is submitted on behalf of the petitioner that the driver of the vehicle was arrested and narcotic substance above commercial quantity was recovered from his possession. The driver did not name the registered

owner of the vehicle at the time of arrest or until two months after his arrest.

The State refers to the case diary and opposes the prayer for bail.

It is submitted on behalf of the State that narcotic substance above commercial quantity was recovered from the vehicle which was owned by the petitioner and, therefore, the petitioner cannot deny his liability for the said offence.

Admittedly, the petitioner is the registered owner of the vehicle which was transporting narcotic substance above commercial quantity.

In the facts and circumstances of the case and considering the material on record, we are of the view that the petitioner cannot avoid liability for the offence at this stage and in view of the statutory restriction under Section 37 of the N.D.P.S. Act, we are not inclined to extend any privilege of bail to the petitioner at this stage.

C.R.M. 3616 of 2021 is, accordingly, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)