

28.09.2021
Item no.23.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No. 4418 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.29 of 2021 under Sections 20(C)/29/8 of the NDPS Act

And

In the matter of : Furkan Sk. & Anr.

.....Petitioners.

Mr. J. I. Hossainfor the Petitioners.

Mr. Phiroze Edulji,
Mr. Ravi Ranjan Kumarfor the Union of India.

Ms. R. Kundaliafor the Customs Authority.

Learned Advocate for the petitioners, on instructions, is not pressing this application for bail on behalf of the petitioner no.2.

The application is dismissed as not pressed insofar as the petitioner no.2 is concerned.

Insofar as the petitioner no.1 is concerned, learned Advocate says that at the time when seizure of contraband items was made from the shop of one Lal Chand, the petitioner no.1 was only present there by chance. He has no connection with the dealing in ganja.

We have seen the material in the case diary including the seizure list. The seizure list says that recovery was from the joint possession of the present petitioners and Lal Chand.

Prima facie, therefore, it appears that the petitioner no.1 is involved in the alleged joint possession of contraband articles of commercial quantity.

In view of the restriction in Section 37 of the NDPS Act, we are not inclined to entertain the prayer for bail of the petitioner no.1.

C.R.M. No.4418 of 2021 is, accordingly, dismissed.

We are told that charge sheet has been submitted. We request the learned Trial Court to expedite the consideration of charge and generally bring the trial to an early conclusion to the extent the business of the Court may permit.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)