

CRM 5439 of 2021
(via video conferencing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Ramesh Singh

Petitioner

Mr. Arnab Chatterjee
Mr. S. S. Saha

For the Petitioner

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Berhampore P.S. Case No. 264/2021 dated 16.03.2021 under sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is languishing in custody since March, 2021 and there is no possibility towards conclusion of the trial in the near future. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the seizure list and the arrest memo.

It appears from the materials in the case diary that there had been recovery of contraband substance above commercial quantity from the store room of the petitioner herein and as such, his conscious possession of such contraband substance cannot be ruled out and in view thereof, the rigors of Section 37 of the NDPS Act are attracted.

Accordingly, the petitioner's prayer is refused at this stage.

The application being CRM 5439 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)