

25.10.2021

04
Ct. No 08
Sdas/AJ.

Rejected

C.R.M. 5524 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranitala Police Station Case No. 293 of 2020 dated 05.07.2020 under Sections 20(C)/29 of the NDPS Act.

And

In Re : Rajib Hossain. petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Anisur Rahman.

... for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Sanjay Bardhan,
Mr. M. Sarkar.

... for the State

Leave is granted to the learned advocate-on-record for the petitioner to correct the cause title.

Petitioner renews the prayer for grant of bail.

Learned senior advocate appearing for the petitioner submits that no contraband was seized from the possession of the petitioner. The petitioner is languishing in jail and that further detention of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the contents of the case diary. He also draws the attention of the Court to the five several statements recorded under Section 161 of the Code of Criminal Procedure including the statements made by the wife of the petitioner and

the wife of the co-accused person. He further submits that the petitioner was in partnership with the other co-accused persons in dealing with the contraband. The contraband seized from the possession of the other co-accused persons was of commercial quantity. Consequently, he submits that prayer for bail should be rejected.

Considering the materials in the case diary and considering the statements recorded under Section 161 of the Code of Criminal Procedure and also considering the involvement of the petitioner in the contraband seized from the possession of the co-accused persons, we are unable to return a finding in favour of the petitioner under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail is rejected and the application being CRM 5524 of 2021 is dismissed.

(Debangsu Basak, J.)

(Rabindranath Samanta, J.)