

24.12.2021

Court No.32

rpan / **21**

C.R.M. 7947 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case no.478 of 2020 dated 13.07.2020 [NDPS Case no.48 of 2020]under Section 21C of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re : **Susanta Ghosh @ Lal**
- Petitioner.

Mr. Debasish Chattopadhyay,
Mr. Gobinda Ch. Baidya,
Mr. Tirthankar Basu
....for the petitioner.

Mr. Sanjoy Bardhan,
Mr. Baishakhi Chatterjee
....for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and he has no nexus with the alleged offence. He has already suffered long incarceration for more than 520 days and there is also no possibility towards conclusion of trial in the near future. In the said conspectus, he may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and submits that 14,873 bottles of phensedyl containing codeine mixture was recovered from a truck in which the petitioner was travelling and in view thereof, the rigours of Section 37 of the NDPS Act are attracted. Answering a query of this Court, he submits that charges have already been framed on 28th September, 2021 and schedule has been fixed on

and from 5th January to 7th January, 2022 for examination of the witnesses.

Heard the learned advocates and considered the materials in the case diary.

It appears that contraband substance, above the commercial quantity, was recovered from the truck in which the petitioner was travelling and as such, *prima facie*, constructive possession of the contraband substance cannot be ruled out. In view thereof, we are of the opinion that the rigours of Section 37 of the NDPS Act are attracted and as such, the petitioner's prayer for bail is refused at this stage.

The application for bail, being CRM 7947 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.)