

16.03.2021

Item No.47

Ct.No.28

dc.

Rejected

C.R.M. 8676 of 2020

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Purbasthali P.S. Case No. 392 of 2017 dated 30.09.2017 under Section 20 of the N.D.P.S. Act (Special Case No. 52/2017).

And

In Re : **Tarani Biswas**

... Petitioner.

Mr. Arindam Banerjee

... For the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Maji

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Purbasthali P.S. Case No. 392 of 2017 dated 30.09.2017 under Section 20 of the N.D.P.S. Act.

The learned advocate for the petitioner submits that the petitioner is 63 years of age and he is languishing in jail for more than three and a half years in connection with the abovementioned case. It is further submitted that no recovery was made from the possession of the petitioner and he has been implicated on the basis of the statement of the co-accused. It is further submitted that the petitioner is in a habit of playing cards and in fact, went to the other village with his friends and has been implicated in the instant case.

The learned advocate for the State opposes the prayer for bail. It is submitted that the contraband was recovered from the joint possession of the petitioner and four co-accused persons and therefore, the statement of the petitioner in this regard is incorrect.

After hearing the respective counsels and on perusal of the materials from the record, it appears from the seizure list that the contraband was recovered from the joint possession of the petitioner and other four co-accused persons. Since the quantity of the contraband exceeds the commercial quantity, we do not think that the petitioner has been able to make out a case for taking exception to Section 37 of the N.D.P.S. Act. As such, the petitioner's prayer for bail is **rejected**.

The application for bail, being CRM 8676 of 2020, is, thus, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)