

04.02.21
(S.R.)
Sl.23
Ct.28

CRM No.10903 of 2020

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with the NDPS Case **No.28 of 2020** arising out of **Hogolbaria**, Case **No.44 of 2020** dated **24.03.2020** under Sections 20(b)(ii)(c)/29 of the Indian Penal Code;

And

In re: Ferdos Ali

... petitioner.

Mr. Ranjan Kumar Kali

... for the petitioner.

Mr. Sanjay Bardhan

Mr. Palash Ch. Maji

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He was the driver of the concerned vehicle. No overt act has been attributed to the petitioner. Upon conclusion of investigation, charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for 304 (three hundred four) days, is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and submits that contraband substance above the commercial quantity was recovered from the petitioner and other co-accused persons. Three co-accused persons are still absconding. The charge sheet has been filed but the chemical report is still awaited.

Having heard the learned advocates and considering the materials in the case diary and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that the petitioner has not been able to overcome the rigours of Section 37 of the NDPS Act and as such, we are not inclined to enlarge the petitioner on bail.

Accordingly, the application for bail being CRM No.10903 of 2020, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

