

18.02.2021
Item No.23
Ct.No.28
Subha
rejected

C.R.M. 10922 of 2020
(Via Video Conference)

Mahammad Sk. @ Sherful Sk.
-versus-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with the NDPS case No. 79/2019 arising out of Bagdah P. S. Case No. 203 of 2019 dated 08-05-2019 under Section 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Md. Alauddin Mondal

... For the Petitioner.

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi

... For the State.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant criminal proceedings. No overt act has been attributed to the petitioner. On competition of the investigation, charge-sheet has also been submitted and as such further detention of the petitioner, who is in custody for 619 days, is not required.

Mr. Bardhan, learned advocate appearing for the State opposes the bail prayer of the present petitioner and submits

that contraband substance above the commercial quantity was recovered from the exclusive possession of the present petitioner.

Having heard the learned advocates and considering the materials available in the case diary and the fact that contraband substance above the commercial quantity was recovered from the exclusive possession of the present petitioner, we are of the opinion, that the petitioner has not been able to overcome the rigors of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and as such, bail prayer of the present petitioner is rejected.

With the aforesaid observations, the application being CRM 10922 of 2020 is disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)