

23.02.2021

Item No.20

Ct.No.28

dc.

Rejected

C.R.M. 11027 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Faijul Sk**

... Petitioner.

Mr. Sourav Chatterjee,
Mr. Sovan Dasgupta

... For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Englishbazar P.S. Case No. 1184 of 2019 dated 26.11.2019 under Section 8(c) read with Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 32 of 2019).

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. Upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody for more than 450 days, is not necessary.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Records reveal that the petitioner's prayer for bail was dismissed by an order dated 15th September, 2020 passed in CRM 6548 of 2020 wherein the Hon'ble Court observed *inter alia* that '*there appears to be sufficient material against the petitioner to detain him notwithstanding contraband not having recovered from his person*'.

We have perused the materials in the case diary wherefrom it appears that there was a conversation between the petitioner and the principal accused, namely, Md. Nurul Hoque and as such, the petitioner's complicity in the alleged offence cannot be ruled out. In view thereof, we are not inclined to enlarge the petitioner on bail at this stage.

Accordingly, the application for bail, being CRM 11027 of 2020, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)