

09.03.2021
Court No.28
rpan /27

C.R.M. 11045 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Petrapole P.S. Case No. 116 of 2020 dated 07.10.2020 under Section 20(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Subhobrata Guha Thakurata @ Subho**
- Petitioner.

Mr. Arnab Chatterjee
....for the petitioner.
Mr. Rana Mukherjee,
Mr. Suman Saha
....for the State.

The learned advocate for the petitioner submits that the petitioner was initially arrested in connection with a case under Sections 399/402 of the Indian Penal Code and when the petitioner was in police custody, it was alleged that pursuant to the leading statement of the petitioner the recovery of 5.5 litres of codeine mixture was effected from an abandoned house. The petitioner is innocent of the charges and during his police custody, he has been falsely implicated in the instant case. Learned advocate further submits that investigation of the case is concluded and charge-sheet has also been submitted in connection with the said case.

Mr. Mukherjee, learned advocate appearing for the State opposes the prayer for bail and submits that the subject-matter of the case involves commercial quantity of contraband, being seized, which attracts the provisions of Section 37 of the NDPS Act.

We have perused the materials, which include the seizure list and the statements of the witnesses. Having regard to the fact that the investigation has already been concluded and the trial of the case is about to commence and the subject-matter involves commercial quantity of contraband, being seized, which was within the personal knowledge of the present petitioner, we are not inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM No. 11045 of 2020, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)