

25.01.2021
SL No. 3
Sh

CRM 03 of 2021

Rafikul Mia @ Munna & Anr... **Petitioners.**
Vs.

The State of West Bengal... **Respondent.**

Mr. Sabir Ahmed.

..Advocate for the petitioners present in Court.

M/s Tapan Bhattacharjee,
Aniruddha Biswas.

..Advocates for the respondent present in Court.

The present application has been filed for grant of bail pending trial in connection Jaigaon Police Station Case No. 226 of 2020, dated 13-09-2020, under Sections 17(C) of Narcotic Drugs and Psychotropic Substance Act, 1985.

Learned Counsel for the petitioners submitted that they are in custody for last 113 days. They had merely gone to visit the house of Majibul Islam. Recovery of 300 gms. of brown sugar from the house of Majibul Islam cannot be said to be in conscious possession of the petitioners. It is submitted that they are not involved in the case. Considering the period of custody they deserve to be released on bail pending trial.

On the other hand, learned counsel for the respondent submitted that the case in hand is of commercial quantity of brown sugar, which was recovered from the petitioners as well as Mojibul Islam. They were together in the house when transaction was being made. The brown sugar was lying on the bed along with electric

weighing scale. The matter is still being investigated. The petitioners are not entitled to be released on bail at this stage.

After hearing learned counsels for the parties and considering the fact that recovery of 300 gms. of brown sugar was made from the house of Mojibul Islam where the petitioners were also present. It was not recovered from any sealed container but was lying on the bed along with electric weighing scale, where all the accused were present.

The argument of learned counsel for the petitioners that it was not a conscious possession cannot be appreciated at this stage. The matter is still being investigated.

For the aforesaid reasons we do not find any case is made out for grant of bail to the petitioners.

The application is accordingly dismissed.

(RAJESH BINDAL, J.)

(SAUGATA BHATTACHARYYA,J.)